

## **U.S. AGENCY for INTERNATIONAL DEVELOPMENT**

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Contractor: The International Foundation for Election Systems

USAID Project

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## **Notes on Report Format**

Delivery Order No. 01 was originally established as a 14-week activity funded at \$430,606.74 with a Level of Effort (LOE) of 353 Work Days. The program ultimately expanded to 36 months funded at \$4,374,706 and an LOE of 5,266 Work Days. This notable increase in funding and duration permitted the execution of a program bearing little resemblance to the initial modest election support activity. The increasing complexity of the activity requires a report organized somewhat differently than the usual IQC Delivery Order final report. This Final Report will be presented in two portions, the first concentrating on the Contract and its administration, and the second concentrating on the Program and the implementation of activities. The necessary appendices are attached.

### **Part 1. The Contract**

#### **I. Executive Summary**

##### **A. Time Frame**

On May 31, 1996 IFES received the scope of work for a proposed Delivery Order to be issued under Indefinite Quantity Contract AEP-5468-I-00-6003. The scope of work required IFES to provide various forms of technical services to the Organization for Security and Cooperation in Europe (OSCE) which had been assigned the task of supervising the elections in Bosnia-Herzegovina by the Dayton Accord. On 20 June, IFES signed Delivery Order No.01 with the U.S. Agency for International Development (USAID). The effective period of the Delivery Order (DO) was 12 June to 30 September 1996.

While municipal elections were postponed on 27 August 1996 until mid-1997, balloting did proceed to fill the office of the Presidency and National House of Representatives of BiH, the Federation Presidency and House of Representatives, and the Canton Assemblies.

Following the postponement of municipal elections the IFES mandate was extended to provide for a continuation of technical assistance throughout the period leading up to and through these elections, which were ultimately held on 13 September 1997.

As the date for the municipal elections approached a political crisis in the Republika Srpska (RS), one of the two entities comprising Bosnia-Herzegovina led the president of the RS to dissolve the parliament and to call for new elections. These elections were eventually scheduled for 23 November 1997. The IFES mandate was again revised to maintain support through completion of this process.

Following the successful conclusion of the RS elections, the OSCE mandate was extended to encompass the September 1998 presidential and assembly elections. USAID, in March 1998, modified the terms of DO1 to maintain IFES technical assistance to the OSCE throughout this period and to support the transition from OSCE-supervised and heavily administered elections to Bosnian ownership of the electoral process. This included the transition of the Provisional Election Commission (PEC) to a Permanent Election Commission; the development of an electoral law and implementation of rules and regulations; and the development of election administration skills of

Bosnians to administer the elections with minimal supervision of the OSCE, targeted to specific sensitive areas which require international control and oversight, such as the voters list. The OSCE, including the IFES team funded by USAID, built upon the progress made at the lowest level of implementation, with respect to developing the capacity of the polling station committees and the local election commissions to administer the elections on Election Day. In addition, there were significant strides made with respect to the involvement of the Provisional Election Commission at the highest policy level. OSCE and IFES provided ongoing technical assistance, training, and advice to ensure that at the end of the program (at the end of one year) the qualified Bosnian staff will be administering a significant part of the elections in terms of their organization from the central office in Sarajevo. Certain aspects of the elections remained within the control of the international community, with input from the Bosnians. For example, it included control over the voter registration list and the implementation of the voter registration process that took place in 1998. The goal was to hand over most aspects of election administration to a well-trained cadre of Bosnians at the end of the year, using the September 1998 national, entity and canton elections as the training ground.

In June, and again in July, of 1998, additional positions were created to broaden support to the then-current elections cycle.

#### **B. Level of Effort**

Throughout the various phases of DO1 and the OSCE supervised elections process in Bosnia Herzegovina, IFES personnel filled numerous key positions within the OSCE Sarajevo headquarters: Director General of Elections/Deputy Head of Mission for Elections, Director/Information Technology Unit, Director/Voter Education and Information, Director/Out of Country Voting. Other positions provided for varying lengths of time depending on the current activity schedule included programmers in the IT unit, a Logistics Coordinator, a Counting Center Director and Supervisor, a Legal Adviser, and several Elections Administration Specialists. Gradually, as the activity matured, IFES consultants, in large part, moved from director-level positions with implementing responsibility to advisory roles.

## **II. Background**

The Dayton Accords mandated that elections were to take place within 6-9 months of the signing of the Peace Agreement or 14 September 1996 at the very latest. The Organization for Security and Cooperation in Europe (OSCE) was designated at Dayton to supervise these elections. National, entity, cantonal and municipal elections were scheduled for 14 September. While national, entity and canton elections took place as scheduled, municipal elections were postponed several times, ultimately scheduled for 13-14 September 1997. On conclusion of that round of elections, the OSCE mandate was extended.

#### ***A. Delivery Order Modification History***

During the life of the USAID-funded activity there were several adjustments to the election calendar due to postponements and other circumstances that necessitated modification of the DO. The DO was amended 14 times as follows:

- Amendment 1, 18 August 1996: to adjust Workdays ordered and to add a position to assist in the



Voter Education and Information department.

- Amendment 2, 30 September 1996: to increase the LOE, to increase the Ceiling Price, and to extend the completion date to 30 September 1997
- Amendment 3, 18 February 1997: to modify the SOW, to increase the LOE, to increase the Ceiling Price, and to fully fund the DO.
- Amendment 4, 21 May 1997: to modify the SOW, to increase the LOE, to extend the completion date to October 15, 1997, and to obligate additional funds to fully fund the DO.
- Amendment 5, 26 September 1997: to modify the SOW, to increase the LOE, to extend the DO through 31 December 1997, and to obligate additional funds to fully fund the DO
- Amendment 6, 14 November 1997: to modify the SOW, to increase the LOE, to increase the ceiling price to obligate additional funds to fully fund the DO, and to add two consultants to direct counting of RS election ballots.
- Amendment 7, March 2, 1998: to modify the SOW, to increase the LOE, to increase the ceiling price, and to extend the DO through 31 January 1999 .
- Amendment 8, March 13, 1998: to add \$1,805,229 additional funds to the Contract, increasing it from \$2,569,477 to \$4,374,706.
- Amendment 10, March 18, 1998: to adjust the amendment numbers according to the following:
  - 1) Amendment No: 06 dated November 14, 1997 to be considered Amendment No: 07
  - 2) Amendment No: 07 dated March 2, 1998 to be considered Amendment No: 08
  - 3) Amendment No: 06 dated March 13, 1998 to be considered Amendment No: 09
- Amendment 11, June 11, 1998: 1) to add 277 person days, changing the total workdays ordered to 5,085; 2) a new labor category of Administrative Assistant is added; 3) the fixed total workday price and Other Direct Costs amount are changed. The Ceiling Price amount is unchanged except for rounding to the next whole dollar. Positions for Steers, Weisbaum, Lynch and Rocco are added by reducing the TBD Program Implementation Specialist (Mid Level) level of effort by 414 person days.
- Amendment 12, July 17, 1998: 1) to add a new MIS Specialist for 30 workdays and accordingly increase the total workdays by 9 days changing the total workdays ordered to 5,094; 2) adjusting the effort of MIS Specialist Yard. The fixed total workdays price and other direct costs are changed. The Ceiling Price amount is unchanged.
- Amendment 13, 1 February 1999: 1) to extend the estimated completion date from January 31, 1999 to May 15, 1999; 2) to increase the workdays ordered by 172 days. The fixed total workday price and direct costs are changed. The Ceiling Price is unchanged.
- Amendment 14, 6 July 1999: to reduce the total amount obligated so that the amount obligated

equals the ceiling price.

In addition to the 14 Contract Officer approved Amendments, the COTR approved numerous Workday realignments which permitted IFES to respond rapidly to changing circumstances.

### **III. ACTIVITY DESCRIPTION AND CONTRACT REQUIREMENTS**

#### **A. Activity Description**

The original activity description, per Delivery Order No. 01, was as follows:

1. Purpose: To assist the OSCE in carrying out its assigned tasks by providing various forms of technical and technology assistance throughout the period of elections preparations. IFES will coordinate its efforts with the work of other USAID contractors and grantees working on election-related programs in Bosnia and Herzegovina, as well as other donors and organizations such as the UN High Representative. IFES, and each of its Specialists, will work directly with the OSCE Mission in Sarajevo. In view of time constraints, and to keep on-site costs to a minimum, it is essential that the IFES technical and technology assistance teams described in Section III be housed in OSCE office facilities and allowed full access to all administrative and material needs in direct support of their missions.

2. IFES Technical and Technology Assistance Specialists will perform the following tasks:

- C Assist with determining appropriate actions required for the conduct of elections, based on policy directives and under the supervision of the OSCE Head of Mission;
- C Oversee OSCE staff and consultants assigned to elections administration activities;
- C Develop a detailed plan for the procurement and distribution of election-related materials to designated polling stations, in collaboration with OSCE procurement personnel;
- C Oversee the procurement of election materials and supplies;
- C Coordinate the receipt of election materials and commodities with the OSCE-designated vendors and the entity charged with their receipt;
- C Assist with the arrival and disposition of materials and commodities;
- C Assist with the consolidation of materials for distribution to polling stations;
- C Advise the OSCE and the PEC on electoral rules, regulations, and procedures which may include, but not be limited to, candidate and voter registration; polling station operations; voting procedures;
- C Database development in support of political party registration, voter registration, and election supervisors;
- C Database and Information Technology (IT) supporting hardware/software installation and maintenance;
- C Computer/Network Help Desk support and coordination;
- C OSCE Inventory requirements including logistics, security documents, and consumables;
- C Computer database development in support of OSCE personnel and staffing coordination;
- C Computer database development in support of monitoring, accreditation, and logistical process;
- C Computer database development in support of candidate/party data information coordination;

- and
- C Computer database development in support of the collection and dissemination of electoral results

3. MOD 6, approved November 1997, added the following to the Statement of Work:

The OSCE has been designated by the Dayton Accords to supervise and administer all the Accords-mandated elections. Under this Delivery Order, AEP-5468-I-01-6003-00 DO 01, the International Foundation for Election Systems (IFES) was able to provide several key personnel to assist with some of the technical aspects of administering both the 14 September 1996 National, Entity and Cantonal Elections as well as the 13-14 September 1997 Municipal Elections. A political crisis in the Republika Srpska (RS), one of the two entities making up Bosnia-Herzegovina, has led the President of the RS to dissolve the RS Parliament (elected in the September, 1996 elections) and call for new elections, which are now set for 23 November.

Modification #5 to this Delivery Order extended four members of the IFES team to remain in Bosnia through 15 December, and a fifth member through 31 December to administer the RS Parliamentary Elections. The modification being requested now extends the four members currently in Bosnia-Herzegovina through 15 December by 5 days until 20 December. This additional time was necessary due to the fact that the elections are to take place a month later than was planned for in the last Modification, and given our experience with the last elections, it was necessary to keep the team on-site 4 weeks after the elections to finalize results and wrap things up. The Modification requested also included the services of a Senior Elections Specialist for 32 workdays (14 November through 20 December) and another Senior Elections Specialist for 26 workdays (22 November through 20 December) to oversee the vote counting operation. IFES provided similar services through two short-term consultants for the Municipal Elections. Finally, the Modification request included 4 additional person-days of a Senior Program Implementation Specialist to assist with implementation of this Delivery Order.

USAID/Bosnia increased the Delivery Order level of effort. The level of effort requested in the illustrative budget totaled \$75,000, including \$56,071.44 for workdays ordered and \$18,928.56 for other Direct Costs. The total amount obligated under this Delivery Order and the Ceiling Price of this Delivery Order, increased to a total of \$2,440,220.04. The illustrative budget was for the period 14 November through 31 December (taken together with previous modifications, which also cover the period through 31 December). Six-day workweeks were budgeted and authorized.

Additional time for Long-Term/Ongoing Specialists: 5 person-days of an Administrative Support Consultant to serve as Director of Out-of-Country Voting; 5 person-days of a Junior Project Implementation Specialist to serve as the Director of Voter Education and Training; 5 person-days of a Junior Management Information Specialist to serve as the Director of Information Technologies; and 5 person-days of a Mid-level Management Information Specialist to continue implementation of the various databases involved in the administration of the elections. Additional time for Short-Term Specialists: 26 person-days of a Senior Elections Specialist; 32 person-days of another Senior Elections Specialist to oversee the Vote Counting Operation; and 4 person-days of a Senior Project Implementation Specialist to assist with implementation of the Delivery Order (from the Washington, D.C. end).

4. MOD 7, approved February 1998, added the following to the Statement of Work:

USAID has determined that it will support the transition from OSCE supervised and heavily administered elections to Bosnian ownership of the electoral process. This support includes the transition of the Provisional Election Commission (PEC) to a Permanent Election Commission, the development of an electoral law and implementation of rules and regulations, and the development of election administration skills of Bosnians to administer the elections with minimal supervision of the OSCE. Targeted are specific sensitive areas which require international control and oversight, such as the voters list. The OSCE, including the IFES team funded by USAID, will build on the progress made at the lowest level of implementation with respect to developing the capacity of the polling station committees and the local election commissions to administer the elections on Election Day. In addition, significant strides will be made with respect to the involvement of the Provisional Election Commission at the highest policy level. Working side by side with qualified Bosnian staff, OSCE and IFES will provide ongoing technical assistance, training, and advice to ensure that at the end of the program (at the end of one year), the Bosnians will be administering a significant part of the elections. Certain aspects of the elections will remain within the control of the international community, with input from the Bosnians. For example, it is expected that this will include control over the voter registration list and the implementation of any voter registration process that may take place in 1998, but with significant involvement of the Bosnians. The goal is to hand over most aspects of election administration to a well-trained cadre of Bosnians at the end of the year, using the September 1998 National, Entity and Canton elections as the training ground.

In addition to implementation/administration of the elections, IFES supported the development of a Permanent Election Commission. Direct technical assistance, advice, training, and general institution building will be provided to ensure a smooth transition from the Provisional Election Commission (PEC) to a functioning and viable Permanent Election Commission. Although the PEC is expected to remain in place to oversee the September 1998 elections, the establishment of the Permanent Election Commission is expected to take place over the next year to oversee future elections.

Finally, important for the development of a Bosnian electoral system, is the establishment of a permanent election law, as well as rules and regulations for the implementation of elections. The Office of the High Representative (OHR) is taking the lead on this, with significant input from the OSCE. IFES, with USAID funding under this amendment to DO1, provided a legal drafter with election expertise to the OSCE to work closely with both the OSCE and the OHR to develop permanent legal regime for elections.

## **B. DELIVERABLES**

1. The original of Deliverables, as stated in DO1, consisted of the following:

a. Proposed Work Plan: Prior to fielding the Senior Program, Implementation Specialist and the Mid-Level Program Implementation Specialist, (listed under 5 and 6 above) IFES will obtain COTR approval of a work plan and schedule of activities. Changes to the approved work plan will be approved by the COTR prior to implementation.

b. Monthly Progress Reports will review progress in achieving goals and benchmarks, identify constraints and issues, and contain recommendations to address them.

c. Verbal briefings when requested.

d. Copies of all reports, papers, and other relevant written material prepared by IFES personnel.

2. The Deliverables were amended in February 1998 by Mod 7 to include the following:

a. An initial Work Plan Schedule for implementation (COTR) addressing each of the components of this Amendment: i) Elections Administration; ii) Permanent Election Commission; and iii) legal framework for elections will be submitted within 30 days of signature of the contract. This Work Plan will describe intended goals and benchmarks. The Work Plan may be periodically updated as necessary.

b. At the end of the program, USAID expects that Bosnians will be capable of, and responsible for administering significant portions of the elections. Together with USAID and the OSCE, IFES will help determine which components of the administration of the elections will remain within the control and responsibility of the international community and which components will be transferred to the Bosnians.

c. Monthly reports included a review of progress, constraints, and issues with recommendations to address them with respect to the impact, goals and benchmarks (COTR, USAID/W).

d. Verbal briefing when requested by COTR and USAID/W.

e. Progress reports and final report as required by the Contract under which the Delivery Order is made.

f. Copies of reports or papers written by members of the USAID-funded team.

#### **IV.**

##### **A. Project Implementation**

###### **1. Summary of accomplishments**

Over the life of DO1 IFES technical assistance proved crucial to the conduct of elections, the formulation of rules and regulations governing the elections, informing the electorate of procedures, and encouraging the growth of a cadre of trained national elections administrators. These accomplishments can be summarized as follows (for details, please refer to Section II of this report):

IFES technical advisors provided assistance that permitted the successful conduct of four rounds of elections: 1996 Presidential/Parliamentary; 1997 Municipal and Entity Level (RS); and 1998 Presidential/Parliamentary.

IFES advisers provided in-put to rules and regulations that guided the elections

Out of Country Voting Programs were organized for the three rounds of elections

Nationwide voter information and education campaigns were mounted for all three rounds.

IFES IT advisers devised the databases used for the voter registry and political party services

IFES specialists in election law and a statistician have provided substantive in-put to the draft of the Permanent Election Law (PEL) and have devised and implemented on-going campaigns to garner support for its adoption.

## 2. Achievement of Deliverables

- a. Work Plans: submitted to and accepted by USAID
- b. Monthly Progress Reports: the 36<sup>th</sup> and final Monthly Progress Report was submitted to USAID/Sarajevo on 23 June 1999.
- c. Verbal Briefings: numerous briefings were made to USAID/Sarajevo and USAID/W as requested.
- d. Copies of reports, papers and other relevant written material prepared by IFES personnel are attached to this document
- e. OSCE agrees that the entire process of elections administration should be transferred to the Bosnians.

## **B. Evaluation: Problems Encountered/Lessons Learned**

All USAID-funded IFES consultants active under DO No. 01 have worked within the OSCE-defined program. From its inception, the content of this activity has been determined by the OSCE. IFES has had in-put into the definition of the program, primarily via the DGE/DHOM positions, but the IFES role was never policy-making. IFES has continually promoted the Bosnianization of the elections process. The task is far from complete: the permanent election law has not been crafted; the PEC has yet to transition to a permanent body.

Working within the OSCE has posed unique challenges. The OSCE has been staffed by secondments from its constituent members. In the vast majority of cases, individuals seconded to the OSCE/BiH possessed limited expertise in the field of election administration. Nonetheless, they were charged with determining programs and schedules. Programs evolved throughout the process with needs being determined on an ad hoc basis and schedules were unrealistic creating enormous difficulties for line-staff. IFES responded to numerous requests by the OSCE for specific skills not included in the OSCE staff make-up. These requests resulted in numerous official amendments to the DO and countless COTR approved Work Day realignments.

In the early days of the activity there was a perception that the DO mechanism was extremely constraining. The policy makers in the OSCE considered the process very time consuming: they would make a request to IFES which in turn would then go to USAID/BiH. On review of the issue, if the action was beyond her authority, the USAID/BiH COTR would then forward the request to the Contract Officer at USAID/Budapest for action. In only rare instances did the COTR disagree with

the proposal. And in no case was the time involved in the approval process detrimental to the activity. Over the course of the activity, IFES fielded 29 different consultants, many of them several times, to address the needs of the OSCE. Far from being a constraint, in reality, the DO mechanism proved to be a flexible tool that permitted rapid response to ever-changing and poorly defined situations within the OSCE.

### **C. Impact**

Over the course of the past 36 months the OSCE has conducted four rounds of elections, initiated preparations for a fifth round, established a training program for national elections administrators, has provided substantive in-put to the process of elaborating the PEL and has initiated campaigns to gain support of the electorate and elected officials for the passage of the PEL into law. OSCE Head of Mission Ambassador Barry has stated in a letter dated 28 May 1999, that “What has been achieved in this country would have been extremely difficult, if not impossible, without IFES.”

The process of implanting democratic ideals in Bosnia-Herzegovina will require generations of commitment. Nevertheless, it can be stated unequivocally that with USAID funding and support IFES has made a substantial contribution to the establishment of a democratic Bosnia-Herzegovina.

### **V. Recommendations**

Since the beginning of 1996, the international community, and the Organization for Security and Cooperation in Europe (OSCE) in particular, has been forced to focus almost solely upon the immediate election cycle due to time, funding, and policy constraints. The lack of a long term implementation strategy has created a number of problems:

- The international community has relied upon the electoral authority and technical capacity of the OSCE to attain various short-term goals in Bosnia;
- Financial aid and external pressures focused on the *international* process and mechanisms, perpetuating, expanding and overtaxing the Mission's original mandate and staff;
- Bosnian political parties and actors have had limited incentive or responsibility to implement the moderate policies deemed essential within the atmosphere of perpetual electoral crisis encouraging extremist platforms;
- There are no legal or administrative procedures in place to transition to a national electoral capacity and thereby a phase out of the international trusteeship ;
- The focus on political solutions to increasingly technical problems has created unwieldy precedents for triplication (Bosniak, Croat, Serb) of positions, checks and balances;
- The creation of an exit strategy and the rapid fostering of local elections administration capacity have not been at the fore of the OSCE-directed program.

While international *supervision* of elections in Bosnia is likely to continue for the immediate

future, the *administration* of the electoral process must be turned over to domestic institutions and trained professionals as soon as possible. An explicit transition calendar must be created and adhered to.

The OSCE has recently made clear that it agrees that the goal of international involvement in BiH is not the conduct of an endless series of electoral events, but the creation of a national capacity to conduct elections. It is essential that this new attitude be supported.

Required actions include participating in the on-going elaboration of the Permanent Election Law; promoting an understanding and eventual adoption into law of the PEL; supporting nascent electoral institutions; and providing continuing support to nationals to assume substantive roles in the conduct of elections. These activities are the focus of the IFES scope of work under a Cooperative Agreement signed with USAID in June.

## **Part 2. The Program**

### **VI. Summary**

The General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, commonly referred to as the Dayton Accords, ended a brutal war and initiated a plan for implementation of the peace. The GFAP defined the Inter-Entity Boundary Line (IEBL) that would permanently divide the country into two parts, the Federation of Bosnia and Herzegovina, and the Republika Srpska. Through its text and its Annexes, the GFAP formalized agreements on the country's constitution, regional military stabilization, human rights, the treatment of displaced persons and refugees, and a number of other key peace implementation issues.

A key part of the GFAP focused on the holding of elections. Annex 3 placed responsibility upon the Organization for Security and Cooperation in Europe (OSCE) for the conduct of elections at the national, entity, canton and municipal levels under rules which were to be promulgated by a Provisional Election Commission. From the outset, the International Foundation for Election Systems (IFES), funded by the United State Agency for International Development under a Delivery Order issued under Indefinite Quality Contract AEP-5468-1-00-6003, became a key resource and administrative partner to the OSCE in preparing for elections called for under the agreement.

From 1996 to the present, IFES has provided consulting experts, staff and advisors to the OSCE Mission to Bosnia and Herzegovina in senior election management positions, law and regulation, operations, voter registration, computer programming and database development, voter information, design and procurement of election commodities, training, and professional development. Through its long and short-term support, IFES has assisted OSCE in the preparation and conduct of elections at all levels and has been instrumental in developing the strategy for returning responsibility for conduct of elections back into Bosnian hands.

In view of time constraints, and in order to keep on-site costs to a minimum it was agreed from the beginning that the IFES experts, advisors and technical teams would be installed within the organizational structure of the OSCE Mission to Bosnia and Herzegovina. The first post-war general elections were conducted by the OSCE in 1996. IFES provided the Director General and nearly a



dozen key advisors to direct the election process and supervise a multi-national staff provided by the 55 seconding member states of the OSCE in carrying out the preparations, polling and counting processes.

The GFAP established the general right of every voter to vote in his or her pre-war place of residence based on the 1991 Census which, in effect, became the voter register in 1996. It became clear, however, that the GFAP's vague language that allowed voters to apply to cast their ballots "elsewhere" was vulnerable to abuse. Mobilization of hundreds of thousands of voters to exercise this option reflected the extent to which manipulation of the voting right was being used to segment voters into ethnically divided communities, and to ensure ethnically based influence on the outcome of elections in particular communities.

Because of these circumstances a decision was taken that municipal elections could not be held in 1996 and they were postponed until 1997. Once again IFES provided key advisors in senior management positions of the Elections Department of the OSCE, including consultants serving as the Director General for Elections (later serving as Deputy Head of Mission for Elections). Under the direction of the IFES specialist, the first voter registration program was conducted. Safeguards were implemented to protect the integrity of the process including the institution of a formal voter registration process, and the introduction of a verification process to determine each person's eligibility to qualify for the option he or she selected. During the registration process instituted in the spring of 1997, approximately 2.1 million voters inside the country and nearly a half million refugees living abroad were registered to vote. Later in the same year, the Voter Register was re-implemented, when OSCE was called upon to conduct a special election for the Republika Srpska National Assembly Election after its Assembly was dissolved in a major political upheaval.

When the OSCE's mandate was extended once again to conduct the 1998 elections, it became evident that the approach to conduct of elections would have to change. Under the direction of the Deputy Head of Mission for Elections provided by IFES, an aggressive strategic plan was developed with a new objective at its core. That objective was to initiate a formal exit strategy for withdrawal of the international community, and a controlled transfer of a creditable and sustainable democratic election system back to BiH authorities. A major component of the strategy was to create a sustainable voter registration system, from the single-use voter register created for the 1997 elections.

At the time of the 1997 municipal elections, there had been the expectation that the OSCE would continue to supervise the election process. As a result, the list prepared for that year's elections were never intended to have a longer shelf life. The task of creating a voter registration system that could be sustained by local authorities, became the cornerstone of moving toward nationalization of the process.

IFES support to the OSCE Mission in Bosnia and Herzegovina continued into 1999 where the major emphasis of the program underway has been to strengthen the national election infrastructure. The process of nationalization has been designed as a two-year plan.

- Phase 1 began in 1998 with the significant increase in the ratio of national staff members to international staff. National staff members were groomed to take positions as Directors and Deputy Directors of Branches, Chiefs of Sections, legal counsel, computer programmers and

trainers. In the field, the National Election Officer has become the primary representative working directly with Local Election Commissions. In fact, national Directors now lead 3 key branches of the Elections Department. In all others, Bosnian nationals hold the Deputy Director posts. Phase 2 of the program places emphasis on the professional development of Election Commissions, and local government officials who will ultimately carry election functions at the local level.

- Phase 2 is well underway and has reached a major benchmark with the transfer of responsibility for voter registration in 1999 to the municipal offices of local governments as a normal function of local services to the citizens of their communities.
- Phase 3 will be undertaken during the last half of 1999, when the focus will be on strengthening the election infrastructure as national institutions prepare to take over the election process.

The overall nationalization program being steered and generally supported by the IFES consultants is a multi-layered program involving the following key components:

- Refinement of the election process and supporting mechanisms that ensure the system is sustainable by national institutions;
- Technical assistance and legal advisory support for the adoption of the permanent election law;
- Establishment of the corps of Bosnian election professionals to serve in key functions, including the hiring of a National Director General of Elections within the OSCE's organization who will direct the Secretariat of the Permanent Election Commission;
- Continuing professional development of national staff members and local officials through increased international education and training, including the achievement of certification qualifications through the University of Essex and participation in international election observation missions in Estonia, Germany, and Austria for the European Union elections scheduled for June of 1999;
- Establishment of the BiH Association of Election Officials<sup>1</sup>;
- Formal development of a "turn-key" package of detailed instructions, desk manuals and handbooks that will serve as the basis for operation of the election functions under a Permanent Election Commission.

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<sup>1</sup> Assistance to the Association has been carried out in coordination with a USAID CEPPS-funded assistance effort with IFES (distinct from the Delivery Order encompassed in this report.

These objectives are being met within the context of preparations for the next elections, which as of this writing, have been postponed until Spring 2000.<sup>2</sup>

- These advancements are laying the groundwork for taking the next giant leap forward; a total turnover of the election process back to national authorities in 2000.

## **VII. General Organization**

The OSCE is a multi-national organization whose operations are supported through assessed and voluntary contributions of its member states. A key element of its operations in Bosnia and Herzegovina has been the conduct of elections under Annex 3 of the General Framework Agreement for Peace. The Elections Department represents approximately half of the Mission's budget, and since 1996 conduct of general, municipal and special elections has been the focal point widespread national and international attention.

### **A. The Unique IFES Role**

Working closely with the OSCE structure (outlined above) IFES was able to serve as a technical and programmatic functionary within the greater structure. As was noted in the introductory sections, IFES delivered dozens of specialists during the course of the project to work within the OSCE Mission in Sarajevo. Although not in policy-oriented positions, IFES specialists held numerous high-level management roles, which lent considerable access to technical and supervisory capacities within the OSCE/Sarajevo Mission. Without the facility, local staffing, and organizational clout of the OSCE in this very troubled region, IFES' technical capabilities would have been limited. Although challenging at times due to limited time allotments, policy shifts, security considerations, and fluctuating funding capacities, IFES found this challenge to be one of the most enlightening in recent memory. IFES hopes that it will be seen as the repository for this level of technical and management skill as the Balkan region - and others - present the international community with similar challenges.

### **B. The Elections Budget**

Until 1999, the budget for Elections Department was considered a "project" budget. Generally speaking, therefore, it stood on its own. And, except for a relatively small component, it was not incorporated into the Mission's Core Budget. The presentation of the "project budget" for the elections occurred at different times as well, usually at the point it was expected that the OSCE's mandate to supervise the next cycle of elections was to be extended.

In 1996, the budget for elections was somewhere close to \$50 million, although it is hard to quantify since a significant amount of support came directly from NATO's Implementation Force (IFOR). Although costs were steadily reduced in subsequent years, the requirement for 100%

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<sup>2</sup> In view of NATO's actions in FRY and its impact of this crisis on Bosnia and Herzegovina, discussions as to the timing of the next Municipal Elections were held at the Permanent Council Meeting on 9-10 June 1999, in Vienna.

international supervision at every voter registration center and polling station inflated each budget request well above what was needed for election operations. In fact, the single largest component of the Election Budgets in 1997 and 1998 were costs related to the requirement for International Supervision. The costs for election supervision represented approximately 44% of the total Election Department Budget in 1997 and 33% in 1998.

In 1997 the approved budget including international supervision was \$35.7 million. Because of the circumstances that caused the municipal elections scheduled for 1996 to be postponed and concern that the environment was not sufficiently stable to conduct them in 1997, doubts lingered as to whether the OSCE could see the municipal elections to fruition. As a consequence, requests were submitted monthly for continued funding. An increase of \$3.3 million was requested for a total of \$38 million in 1998 to cover costs anticipated for the multi-level elections and to fund enhancements called for under the conceptual plan. These enhancements involved the distribution of individual voter cards to 2.1 million registered voters within BiH, the introduction of scannable ballots and contingency planning components.

Reduction of costs became a focal point within the Elections Department, and ultimately, significant savings were realized. Election budgets have had to be conceptualized and prepared a year in advance and often prior to knowledgeable staff being on board. Each year, the demands and expectations have undergone dramatic changes mid-stream as the political/security picture has unfolded. Under these conditions precise budgeting is very difficult to achieve.

In trying to preserve a degree of flexibility so that the Department could be responsive in such a volatile environment, some anticipated costs have been found to be over-budgeted, garnering severe criticism from Vienna and contributing states. However, surpluses have been the result of a combination of circumstances. For example, certain line items proposed were over-budgeted, such as those associated with the distribution of the voter cards in 1998. However, a concerted effort was also made to realize significant reductions in costs through improved procurement strategies. For example, \$250,000 was saved in 1998 through changes made in the way the Elections Department contracted for local drivers and vehicles in the Field. Nearly \$2 million dollars was saved compared to what had been spent in 1997 for deployment of international supervisors by using Split and Zagreb rather than Vienna as primary deployment hubs. One million dollars was budgeted for the printing of ballots was offset by a voluntary contribution from the Japanese government. Improvements in the security of the environment also resulted in the contingency fund of \$500,000 not being utilized.

The 1999 budget submitted by the IFES-selected Deputy Head of Mission for Elections for the Municipal Elections represented a 37% reduction compared to the original proposal for 1998, and an approximate 15% reduction below actual expenditures for the prior year. At about \$24 million, the budget for 1999 represents an approximate 50% reduction in overall election costs since 1996.

### **C. OSCE Staffing & Impact on the Process:**

The recruitment and secondment of staff for the Elections Department has been directly tied to the budget cycle. Only a few positions were considered a part of the core staff. The result of this approach was that after each of the elections, (General Elections in 1996, Municipal Elections in 1997, and then again after the RS National Assembly Elections in 1997), OSCE's Election Department was virtually disbanded. With each new election cycle the Department had to be reborn. Waiting for full staffing in advance of the 1997 elections became so troublesome, for example, that the United States advanced 32 short-term staff members to fill the gap until regularly seconded personnel could

arrive.

In the first 14 months of the current Deputy Head of Mission for Elections' tenure (February 1997 - April 1998), the Elections Department experienced 3 major turnovers in personnel. In 1998 full staffing was realized even later than it had been in 1997. In the Home Office, for example, very few posts could be filled by former incumbents, as Branch heads and project leaders were recruited away in the hiatus. Anyone who could return often found an instant promotion upon his or her arrival.

In some branches including the Voter Registration Branch, not a single staff member had worked in the branch before. Considering the major transformation required to build a voter registration system, in 1998, out of a single-use voter list, this circumstance was a significant concern.

Another key factor that deserves note is that the vast majority of staff members seconded by member states of OSCE have limited experience in election administration. The vast majority of staff members provided through regular secondment mechanisms have been competent and talented, however it can be stated that the majority has election experience. Several may have had prior experience as short-term election observers in international settings. Only a small number have had actual experience in administering elections. At the beginning of 1998, for example, only 3 (non-IFES) international staff members in the Home Office had any election administration experience prior to their arrival in Bosnia and Herzegovina.

In general, many of the national staff members have been with the OSCE Elections Department from the beginning of election operations in 1996. However, except for the Associate Director General it is probably safe to say that none had worked in elections before joining the OSCE.

The first major breakthrough came in preparing for the 1999 budget cycle when it was decided for the first time that the elections budget would become part of the Mission's overall submission. For the first time, there was no break in service after the 1998 elections, except as people took time off for the holidays. For the first time, too, after the unfortunate circumstances which caused such difficulties in the past three elections, experienced staff remained in their posts, and transitions between one year's election cycle and the next were normalized.

#### **D.Value Added with IFES on Board**

The contribution of USAID-funded IFES support has been critically important to the implementation of elections in Bosnia and Herzegovina specifically because of the circumstances cited above.

- IFES has been able to provide the continuity and specialized election expertise that helped the OSCE Mission to Bosnia and Herzegovina bridge the gap as each extension of its mandate brought a full turnover in personnel.
- IFES consultants, technical advisors, and legal experts have been a known quantity, selected for their proven experience and relevant expertise.
- IFES consultants have come equipped to support and facilitate the on-the-job training needed to bring an inexperienced staff up to speed in fundamental elements of election administration in a

high-pressure environment driven by unrealistic time lines.

- IFES has been responsive and has been able to tap relevant resources as new circumstances and changes made new demands on system requirements.
- IFES' resources and connections with international electoral practitioners, professional associations and non-governmental organizations have contributed greatly to the professional development programs which have been key to the nationalization strategy and efforts to draw Bosnia into the international community on election issues.

### **VIII. Framework of Election Institutions**

In general, responsibility for peace implementation rests with the Office of the High Representative (OHR). The High Representative serves as interpreter and enforcer of the GFAP, arbiter, and chief policy maker in determining whether compliance with the terms of the GFAP has been fulfilled. The cooperation and coordination between the OHR and OSCE, although sometimes difficult as the two agencies have dealt with issues from their different perspectives, has resulted in a constructive and productive partnership. With OHR in the lead at the overall policy level, OSCE has translated those policies into action. With its extensive field presence OSCE is positioned to carry out programs and deliver on tasks assigned under its mandate. In particular, more than any other agency or NGO working in Bosnia and Herzegovina, OSCE has extensive direct contact with local governments, political players and citizens in every municipality throughout the country.

In other areas, such as human rights, democratization and judicial reform, there are a number of agencies involved, with a result that occasional overlapping in program delivery exists. However, when it comes to election administration, the OSCE held the exclusive mandate.

Since the war, there has been no election law, and no permanent election commission or state election institution in place, except those supported by the International Community. Under the GFAP a Provisional Election Commission was established with a mandate to adopt Rules and Regulations under which elections in Bosnia and Herzegovina would be conducted. This structure has carried the country through elections at all levels since 1996. It is important to note as well, that state institutions (authorities that cover BiH as a whole) are weak. The fundamental structure imposed by the GFAP places most functional powers at the entity level. In fact, except for the Constitutional Court, there is no state level judiciary. The debate over the competencies of the state versus the entities is destined to be a long one. Therefore, it is notable that the Provisional Election Commission established by the GFAP, is the longest standing, multi-ethnic authoritative body in Bosnia and Herzegovina. It has also been one of the most productive.

#### **A. The Provisional Election Commission**

Until a permanent election law is adopted and a permanent election commission is established, all aspects of the election process fall under international supervision by the OSCE as was envisioned by the GFAP. The structure for overall administration of the elections in BiH as supervised by the OSCE involves a multi-tiered hierarchy of commissions and committees.

At the top of the hierarchy is the Provisional Election Commission (PEC) established within the GFAP itself.<sup>3</sup> The mandate of the Commission included an autonomy to adopt the electoral rules, and to supervise all aspects of the process. GFAP even went so far as to provide that the "parties"<sup>4</sup> would "comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding." The multi-ethnic body made up of six national members representing Croat, Bosniak and Serb constituent peoples of BiH, and international members representing the Office of the High Representative and the OSCE. The Head of Mission for OSCE serves as its chairman, and is able to make decisions unilaterally if there is a failure to gain consensus among the members. Under these circumstances the Chairman's decisions are final. The Provisional Election Commission is the longest standing and functioning multi-ethnic institution in post-war Bosnia and Herzegovina.

The PEC's authority is not limited to regulating and supervising the election process. The mandate also gives the PEC responsibility to ensure that action is taken to remedy any violation of the agreement or the regulations, and gives the PEC the "teeth" to enforce its decisions through imposition of penalties against violators. Fundamentally, the PEC was established as the "holder of the keys" on all matters related to the conduct of elections. There has generally been a very liberal interpretation as to the scope of its powers and what influences or issues are considered relevant to the elections. In the context of BiH municipal elections, for example, certification of results means more than the accurate accounting and reporting of the election results. The Rules and Regulations of the PEC also cover issues related to the implementation of election results.<sup>5</sup> Under its provisions, standards are set by which it can be determined that the elected body has convened its first session, seated its elected members, (including minority members) and established its executive board with deference to an appropriate multi-ethnic and/or political balance based on the election results. If it is determined that a municipality has failed to implement the results, final certification can be withheld or withdrawn.

## **B. The Election Appeals Sub-Commission**

The PEC is not only the lawmaking body, it oversees the administration of elections, is the enforcer of its own decisions, and figuratively speaking, can serve as the judge, jury and executioner when violations occur. Although the mandate under the GFAP authorizes the PEC to take action against violators, members sought to establish a separate juridical body to investigate and rule on cases where such sanctions might be warranted. The result was the establishment of the Election Appeals Sub-commission (EASC). The most powerful weapons against violations are

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3 General Framework Agreement for Peace, Annex 3, Article III

4 "Parties" is generally understood to be the official signatories of the GFAP representing the Republic of Bosnia and Herzegovina, The Republic of Croatia and the Federal Republic of Yugoslavia.

5 Rules and Regulations of the Provisional Election Commission, Municipal Elections 1997, Chapter 15

provisions of the Rules and Regulations that allow the EASC to:

- Prohibit a political party or coalition from running in the elections;
- Decertify a party or coalition which has already successfully registered to appear on the ballot; or,
- Strike candidates from the candidate lists submitted from the party or coalition lists.<sup>6</sup>

As promulgated, the Rules fundamentally imply that political parties and coalitions are responsible for the actions of their members and supporters. This has also been used as leverage against violations perpetrated by local government authorities, for example, where a ruling party has control over the local government. In the months of August and September immediately before the elections in 1998, 42 candidates were removed from the candidate lists with 20 of them affecting the Croat Democratic Union (HDZ.) The HDZ was found in violation of the Rules when the EASC found that the party had intimidated and threatened former party members who joined a faction which split from the party to form the NHI. It was also determined that HDZ had sent HVO military officers to NHI's rallies to intimidate participants.

### *C. Local Election Commissions<sup>7</sup>*

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<sup>6</sup> Rules and Regulations of the Provisional Election Commission, Chapter 4, Article 4.20 (b)

<sup>7</sup> Other Commissions have been utilized in the past such as the Entity Election Commissions and Canton Election Commissions. However, given the unique powers of the Provisional Election Commission and supervision by the OSCE, participation of these other Election Commissions has been limited. The Permanent Law Working Group has not finalized its work on sections related to the eventual hierarchy of Election Commissions, which will be put in place.



At the municipal level Local Election Commissions (LEC) are responsible for overseeing election operations. The members of these Commissions are appointed by the local authorities, with ultimate approval by the Provisional Election Commission. The composition of LECs has undergone changes since 1997. During that year, the members who had served during the 1996 elections were retained, since the municipal elections had merely been postponed. In 1998, an attempt was made to ensure a balance of representation of political parties who had succeeded in gaining seats on the municipal council. Specifically, parties holding seats on the council or assembly could forward nominations for the 7 member LECs, to the executive authority. At least three members of the LEC had to be chosen from nominations of different political parties, with preference given to nominees from parties who did not have members on the executive board. The experiment was found to be unproductive, and based on input from the field officers, a dramatic change was made in 1999. Each LEC was evaluated for the performance of its members. The Rules were also changed to reduce the number of members. The municipal secretary and the Judge of the court are automatic members. Additional members for 1999 were generally selected among prior members receiving the highest evaluation scores. This configuration has resulted in improved cooperation and productivity.

## **IX. The Elections Department**

### **A. Organization of the OSCE Election Department:**

The administrative arm of the Provisional Election Commission is the Election Department of the OSCE. What follows are brief introductions to the role of the various branches that make up the Elections Department. In addition to the Branches, which operate out of the Home Office in Sarajevo, Elections Teams serve at the 4 Regional Center Offices (in Sarajevo, Tuzla, Mostar and Banja Luka. There are 29 Field Offices covering cross-IEBL areas of responsibility in providing services to 156 municipalities. The field teams facilitate all aspects of the registration and polling process at the local level. They work on the “front line” and are the Mission’s direct representatives with Local Election Commissions, government authorities, community leaders and the voters themselves.

Under the Office of the Deputy Head of Mission for Elections, are the several Branches who facilitate the work plan, assist in defining policy, design programs and procedures and generally prepare the frame work and timeline for the delivery of the process. The Branches in the Home Office that work directly under the Deputy Head of Mission provided by IFES include:

- Voter Registration Branch (VRB)
- Database and Program Development (DBPD)
- Political Party Services (PPS)
- Election Information and Civic Education (EICE)
- Professional Development and Training
- Out of Country Voting (OCV)
- Election Services (ES)

- Election Supervision (ESPV)
- The Joint Operation Center (JOC)

## **B. The Voter Registration Branch:**

**(Nationalized Branch with Bosnian Director and an International Advisor On-Site)**

The backbone of any election system is the voter register. The Voter Registration Branch translates the Rules and Regulations into practical procedures for determining the eligibility of voters and facilitating the voter registration process. Incumbent in their work has been the development of procedures for the assignment of voters to the proper voting jurisdictions, organization of the municipalities into voting precincts or wards, assignment of polling stations and production of polling station registers for polling day. This Branch designs the programs and procedures by which local authorities verify the citizenship of voters, and oversees the programs designed to ensure compliance and safeguard against manipulations and fraud. The process is complex and the integrity of the voter register rests in the attention to detail. The Branch continually monitors registration activity performed at all levels and strives to design improvements that will simplify the process, promote accuracy and provide a greater level of service to voters exercising their right to vote. The voter register, which includes information on nearly 2.7 million residents, displaced absentee, and refugee voters, is the most comprehensive record of citizens created for BiH since the war. A more detailed discussion of the Voter Registration Process is covered in a section 6 of this report.

## **C. Database and Program Development<sup>8</sup> :**

**(Nationalized Branch with Bosnian Director and IFES International Advisor On-site)**

The Database and Program Development Branch is the nerve center of the Elections Department. Development of the foundation programs and management of the voter registration database has been directed by IFES consultants as have the innovations that have enhanced the programs. The programs are parts of the evolutionary process of building a system that will be sustainable when the system is one day transferred back to national authorities.

In April 1996 IFES provided support to the OSCE Secretariat in Vienna to develop specifications for desktop computers, file servers, networking equipment and Internet connectivity to support start-up of the Elections Unit of OSCE. These specifications included:

- Basic hardware and software for standard desktop systems;
- Hardware, operating system, email system, and database server software for two central servers;
- Network hubs, repeaters, cabling and wiring diagrams for 10BaseT network connecting three

buildings; and,

- Routers to support connection to the Internet via SFOR satellite system.

IFES consultants also provided support to the Information Technology (IT) Director of the OSCE Mission to BiH, with the development of a number of management databases, including an inventory system for all hardware purchased and distributed. IFES also provided a number of database developers for the 1996 election, however, immediately after the conclusion of the election that year, the Elections Department was closed down. Although all the hardware was brought back to Information Technology for storage, all the hard disks were reformatted and new software was installed. The result was that almost none of the work done by the developers for the 1996 elections was preserved.

When operations resumed in March 1997, IFES provided another consultant who fulfilled the role of IT Director for the Mission. In that capacity, the IFES consultant took on all responsibilities for defining hardware specifications for procurement, made technical recommendations, tracked inventory and distribution, and managed a Help Desk support unit throughout 1997. Under the guidance of the IFES' team leaders, the Database and Program Development Branch was also called upon to provide programming for a broad spectrum of applications including the following:

- Database development in support of monitoring accreditation of observers;
- Development of a Microsoft Access database in March 1996 which was used by the ODIHR Observer Mission;
- Design of specifications for OSCE's International Supervisor database (subsequently converted for use by the OSCE Secretariat's Personnel Department in Vienna);
- Provision of technical assistance to the Election Supervision on-site during intake and deployment of Supervisors from Split and Zagreb;
- Database development in support of the Mission's Personnel Department
- Customization of Personnel and Payroll databases utilized throughout 1997 and 1998.

Notwithstanding work on a number of support programs not specifically related to the election process itself, the main task of Database and Programming Development, was to develop and maintain the programs necessary to sustain the voter registration program.

What began as a database for maintenance of a file of voter records on individual voters has become a multi-layered, computerized data system that serves several aspects of election documentation. The voter register is only one element of this Branch's election support. The programming undertaken by this Branch also facilitates the registration of parties, coalitions and candidates, the summarization of voting results, and the application of the allocation of seats formula once the election results are established. The system maintains information on settlement identification codes for all municipalities throughout BiH, as well as the index of polling stations which are assigned to them. Ultimately, the compilation and segmentation of the database into Municipal Lists, and Final Voters Registers for all polling stations is accomplished through the

database.

There is an ever-increasing demand on the Branch for compilation of data for analysis and statistical reporting. Since the OSCE's voter registration database contains the most current information in BiH on 2.7 million citizens, the Branch responds to queries from national and international agencies, and provides information to political parties, and non-governmental organizations, as well as from other Departments within the OSCE Mission. There is keen interest on the part of a broad spectrum of government agencies, political participants, NGO's and the international community on the data contained in the Voter Registration Database. The master database contains general information on each voter, their former municipality and current resident community and settlement, their voting option, and their status as a long-term resident, displaced person or refugee. Distribution of this information often requires consideration of complicated policy issues such as how the information can and cannot be used, and protection of rights of privacy for refugee and displaced voters.

Key to the work being undertaken by the Database and Program Development Branch is development of the strategy for sustainability and turnover of an on-going program which can be managed by local authorities. Over the course of development of the initial program in 1997, at which time every aspect of database access and management was centralized, the shift has been made towards decentralization. A major new feature of the program that has been initiated in 1999 is implementation of the Local Access Project (LAP). In its first phase of implementation, each Field Office is equipped with LAP. Through this program Local Election Commissions now have greater opportunities to utilize the system at the local level in order to modify and subdivide settlements, amend assignments to polling stations, and correct errors on their municipal segments of the registers. A more detailed discussion regarding the challenges and successes of developing the database and a sustainable computerized system to support the Voter Registration Program is in a separate section later in this report.

#### **D. Political Party Services:**

##### **(Nationalized Branch with Bosnian Director and an International Deputy Director)**

This Branch is responsible for the registration of political parties, coalitions and candidates. The process involves verification of their qualifications, certification of the validity and completeness of their applications, and validation of the signature petitions which are required to register as a political party for the first time. The Political Party Services Branch maintains the master records of all applications both before the elections and after. They also work closely with the Provisional Election Commission Secretariat to ensure that mandates are distributed properly according to the order in which candidates are listed by the parties when they submit their candidates' lists. This process continues between elections when elected officials resign their posts and must be replaced.

Part of their task is also to maintain the records related to the financial disclosure forms submitted by all candidates registered as independents or submitted on a party's or coalition's candidate list. The submission of a financial disclosure statement was a new element adopted into

the Rules and Regulations late in the party registration period in 1998. The new Rules also required that the financial disclosure forms would be accessible to the public. To accommodate this aspect of the requirements, the Political Party Services Branch ultimately entered all the data from each form into a format so that it could be published on the Internet. CD ROM versions were also made available on request.

## 1. Oversight of Ballot Production

This branch is responsible for the accuracy and layout of the ballots and ensures that the order of each competitor's appearance on the ballot is based on the correct jurisdiction or electoral unit, and in the correct sequence drawn by lot. In general elections there are multiple combinations of ballot types to be prepared for eligible voters in 11 separate jurisdictions; for the municipal elections there are 150 different ballot types involved. This branch also works closely with political parties to assist them in understanding filing requirements and maintaining compliance with the Rules and Regulations.

The registration of political parties, coalitions and independent candidates is particularly complex in Bosnia and Herzegovina. They are afforded a number of options in the manner in which they choose to run. In municipal elections, for example, parties are allowed to run independently in one municipality, as part of a coalition in another, and with a different coalition in yet a third municipality. These options are also offered in multi-level elections such as those conducted simultaneously in the General Elections. In 1998, a new concept was introduced that allowed parties to join Alliances whereby they were informally linked to other parties within the Alliance solely for the purposes of vote pooling relative to the awarding of mandates under the seat allocation formula.

Also in 1998, a new feature was introduced related to the requirement that every candidate list submitted by a party or coalition contain a certain number of candidates of the opposite gender as the predominant gender represented on the list.<sup>8</sup> In particular, at least 3 opposite gender candidates had to appear evenly distributed through the top ten candidates on the list.

One of the most important tasks undertaken by the Political Party Services Branch is oversight of ballot production. Working closely together with the Election Services Branch, (the materials, logistics and distribution unit that serves the entire Department) Political Party Services staff organize the lottery by which each participant's place on the ballot is determined. It is also the Branch that initiates the layout for each ballot and race, and proofreads the ballots to ensure their accuracy. The complexity of this task cannot be overstated due the options that parties have in determining the manner in which they choose to run in each of the constituencies or levels of election at any given time.

It is notable that under these complex circumstances, there has not been a single error on any ballot paper prepared for any election since 1997. This success rate is all the more significant given the fact that often PEC Rules and Regulations governing party, coalition and candidate registration changed late in the process, and even after the registration period had already opened. This was particularly true in 1998.

The time periods opened for registration of political parties, independent candidates, and coalitions, and the submission of the candidate lists occur in a sequence, rather than all at the same time. For example, political parties must be registered before they can form a coalition. Those events must be completed before they can submit their candidate lists. Because of important changes that

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<sup>8</sup> Rules and Regulations of the Provisional Election Commission 1998, Article 7.50

were made in the Rules and Regulations as this sequence was already underway, virtually every deadline had to be adjusted. In addition, the changes had a significant impact and put a great deal of pressure on the system.<sup>9</sup> The following examples of changes serve to illustrate the impact of last minute or delayed decisions to the Rules on preparing accurate ballots and managing the candidate lists for the allocation of seats once the votes were counted.

- The "opposite gender rule" as originally adopted indicated that if a party or coalition failed to meet the requirements, a seat would be left vacant if an opposite gender candidate was not positioned properly on the candidate list, relative to the number of seats won by the party. However, immediately before the elections, the rule was changed to allow parties or coalitions facing this circumstance to add candidates to their lists to overcome the deficiency, as long as they submitted the additional names prior to the first day of the elections.<sup>10</sup>
- After the deadline for party registration had closed, a new Rule was added that said that the Provisional Election Commission could accept an application from a new political party "which was formed through the separation of a part of the membership of a party" previously registered for the 1998 elections. The decision of the PEC was to have been based on a determination that "such acceptance (was) in the best interest of ensuring free and fair elections." <sup>11</sup> The Rules further set the deadline for such applications a 1 July 1999. Each new party filing under these provisions was not exempted from circulating petitions and gathering the required number of signatures of voters in support of their application, submitting their party platforms and paying their filing fees. Clearly, however, this amendment left an open window that ultimately impacted every other part of the sequence of events leading to laying out the ballots properly.

The following table illustrates the number of political parties, coalitions, alliances and candidates who have been processed by the Political Party Services Branch and successfully registered since 1997.

<b>Political Participants Registered</b>	<b>1997 Municipal Elections</b>	<b>1997 RS National Assembly</b>	<b>1998 General Elections</b>	<b>1999 Municipal Elections</b>
Political Parties	91	35	69	73
Independent Candidates	144	18	10	10

<sup>9</sup> Late changes to the Rules and Regulations were criticized by ODIHR in its Election Observation Report, Bosnia and Herzegovina Elections 1998, 12-13 September, pages 7-8.

<sup>10</sup> Rules and Regulations of the Provisional Election Commission, 1998, Article 7.50 (g)

<sup>11</sup> Rules and Regulations of the Provisional Election Commission, 1998, Article 7.22. This amendment to the Rules and Regulations was specifically utilized by Kresimir Zubak, former Croat Member of the Tri-partite Presidency, who split from the HDZ and formed the new NHI party.

Coalitions	9	4	9	Deadline Not Arrived
Candidates Submitted on Party or Coalitions Lists	Approximately 25,600	1,443	6,042	Deadline Not Arrived
Alliances	N/A	N/A	8	N/A <sup>12</sup>

## **E. Election Information and Civic Education<sup>13</sup>**

**(Nationalized with Bosnian Acting Director and IFES Advisor Pending)**

In 1997 and 1998, the work of this branch has been defined and guided by IFES consultants. The branch prepares the nation-wide public information campaign to announce elections and educate the in-country and the out-of-country population regarding the process, how to participate, and the importance of their role in the democratic process. With the dramatic changes that are continually being made as the election process evolves, the task has been critically important. The Election Information and Civic Education Branch (EICE) prepares materials for print, radio and television media, produces flyers, brochures and posters, and plans and implements the strategy for their appropriate and timely dissemination throughout BiH and abroad.

In 1999 the Branch has made two major shifts in emphasis.

- Special attention to the Permanent Election Law Information Campaign has taken center stage. The Peace Implementation Council at its December 1998 meeting in Madrid, delegated responsibility for the promulgation of a public information campaign regarding the Permanent Election Law to the OSCE.<sup>14</sup> This project has been designed to integrate a coordinated strategy and partnership with the Mission's Press Office and Public Affairs unit and involves mass media, grass root citizen and NGO meetings and round tables, and a lobbying effort to secure acceptance and enactment by the relevant legislative bodies.
- The second major component will be the development of the strategy to delegate responsibility for voter education programs to the Local Election Commissions, rather than managing them all

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<sup>12</sup> Provisions allowing for the formation of Alliances have been removed from Rules and Regulations for the 1999 Municipal Elections

<sup>13</sup> This Section includes extracts from *OSCE Voter Information for the 1998 Elections in Bosnia and Herzegovina*, Elise Shoux, 19 September 1998

<sup>14</sup> *Re-enforcing Peace in Bosnia and Herzegovina – The Way Ahead*; Annex to the Madrid Declaration of the Peace Implementation Council, Part V. (8).

through the center. This component will be a significant element in meeting the Department's objective in strengthening the national infrastructure and nationalizing the process.

## 1. Introducing a New Process in 1997

Over the course of the 1997 and 1998 elections, the major task was to inform voters about fundamental issues related to their participation in the elections. In 1997, the whole process of voter registration was new. It had never been attempted before. The main thrust of the campaign was to motivate voters to visit the voter registration centers so that they could be added to the list.

The most challenging task was to create a campaign that would also provide voters with the information they needed exercise the voting options to which they were entitled. The Rules and Regulations were complicated as were the combinations of documents that each voter had to provide to substantiate their eligibility to vote for a municipality that was different than where they resided at the time of the 1991 Census.

The entire voter registration process was to take place in an 8 week period, so the campaign had to be timely and effective. The effectiveness of the campaign can be measured by the fact that, ultimately 2.5 million people were successfully registered in that short time period.

The information campaign covered a good deal more than voter registration and polling. For each element of the process, separate materials were produced and distributed. Multi-media campaigns were produced centering on:

- Political party and candidate registration;
- The display and challenges period for public inspection of the voter lists;
- The secured voter routes by which voters returning to their pre-war municipalities to vote in person could travel under the watchful eye of SFOR;
- The candidate lists by party and coalition for each municipality;
- Locations of polling stations;
- Polling procedures; and,
- How to mark the ballot.

The budget was generous in 1997, giving the Branch flexibility to be innovative, well staffed, and able to mobilize production and distribution support as needed. The program was broad in scope, and aggressive in quantity. SFOR provided support in distribution of materials. Specialty items were among the products produced with easily recognizable voter information messages. Shopping bags announcing registration and polling dates were particularly popular. Messages were put on sugar packets and coasters and distributed to cafes throughout Bosnia and Herzegovina. Posters found their way to the smallest villages. And throughout the year, periodic focus group surveys were utilized to measure the effectiveness of messages that were being put out across the airwaves, on television and in print. As feedback was received, adjustments were made to copy for the next phase of the campaign.

## 2. The 1998 Campaign



Early in the year, it became obvious that the most important message that voters would have to understand in the New Year's election campaign was to pick up their voter information card at their local voter registration center. The challenge was that, first, the 2.5 million voters had already registered and were not legally required to register again. However, for administrative purposes, it was critically important that as many voters as possible visit a registration center so that their record could be updated with their current settlement of residence. This was a key component of the plan to convert the "single-use" voter list created for 1997's elections to a voter registration system. This information was to be the basis by which Voter Register would be sub-divided into polling station units, and determine the polling station to which each person would be assigned. Only through acquisition of this information on voters could the Register be "geo-indexed," with each voters "geo-index" code attached to his or her record. The distribution of voter cards was the mechanism utilized to attract voters to come through the door so that this information could be requested.

The first half of the year also introduced special promotions in an attempt to broaden popular interest in the elections and attract younger voters to participate. The Voter Information Branch sponsored a nation-wide Poster and Essay Contest to involve people from throughout Bosnia and Herzegovina. Posters were submitted by people divided into two categories -- age 13 to 22 and age 23 and over. Winners in each category received cash prizes ranging from 800 DM to 300 DM. Winning posters were used in Voter Information projects for the election. The essay contest was for children and winners received prizes ranging from 18-speed bikes to in-line skates. Portions of the essays were used in voter information materials such as radio spots and the Election Guide.

During the second half of the election cycle, an IFES consultant directing the Voter Information Branch, had to face new challenges. Not only had the 1998 budget been cut, but also a major change in staffing had to be made half way through the election cycle. A new work plan had to be developed based on concerns raised in the most recent of focus group reports.<sup>15</sup> An interim consultant from IFES who re-designed the campaign strategy for the balance of the election cycle established the tone for the campaign, stating:

"The 1998 election campaign will utilize conventional media to educate the general voting population about the election process. Abstract or too sophisticated products will be avoided, and each product will have a clear message and purpose."

### 3. Introducing the New Ballot

The number one priority of the new work plan identified the new ballot as the first of the key messages to be reinforced throughout the election campaign. The ballot was new and incorporated all four contests on the same ballot paper. For the first time, scannable ballots were being used. In addition, the introduction of alliances made the order of candidates, parties and coalitions in each race more complicated than usual.

A multi-media campaign was organized to illustrate what the new ballot looked like and how it was to be marked. A special television announcement was produced to track how parties joined

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<sup>15</sup> *Voter Registration Focus Group Research*, Prism Research of Sarajevo for OSCE Voter Information June-July 1998

coalitions or formed alliance so that voters could understand how they were organized on the ballot. In addition, a flyer was produced that was distributed to hundreds of thousands of people.

A special distribution plan was put into place in the case of the special flyer that had been produced with a sample ballot on one side and instructions for completing ballot/definition of terms on the other. Arrangements were made for an independent consultant to explore unique opportunities for distributing the flyer. The Election Information and Civic Education Branch initially distributed the flyer to OSCE Field Offices in BiH, as well as Federal Republic of Yugoslavia (FRY) and Croatia. The consultant then worked to organize the supplemental distribution plan. In the end, 550,000 flyers describing the new ballot and how to mark it were distributed to the IFES Voter Information Program operating out of Zenica, National Democratic Institute, International Police Task Force, UNHCR, American Refugee Committee, CARE, and European Community Monitoring Mission (ECMM). In addition, flyers were disseminated through the local telephone company offices, the Centrotans bus company, EnergoPetrol, the Ministry of Education and Schools, Polling Station Committee members, and Local Community Leaders.

#### 4. General Products

All in all, nearly 300 different electronic and printed products were produced and distributed in 1998 throughout BiH, and in the Federal Republic of Yugoslavia and Croatia. Each product had to be produced in 3 languages. The issue of language has become more complex than expected. Specifically, as each of the main ethnic groups have attempted to be identified with a unique language that separates them from one another, a new vocabulary is being spawned, particular in the Croat community. Changes were happening so rapidly, that it became necessary to put a disclaimer in more substantive materials that the text was based on developments within the language at a given point in time. Accents have also become a sensitive issue, and efforts had to be made not only to produce broadcast materials in the correct language suitable to each part of the country, but also to ensure they were produced using "talent" with the appropriate accent for each part of the country. Criticism was even generated in some communities when certain materials, such as directional signs to be used in polling stations, were printed with all 3 languages on the same poster. At its most extreme, such signs were torn down, and officials refused to use them. It is unfortunate that although all constituent peoples have been schooled in both Latin and Cyrillic alphabets, and to be fluent in all three languages (which are fundamentally similar) there is a danger that these skills will be lost in the future.

For each radio spot, a total of 184 dubs were released with 74 in Serbian, 31 in Croatian, and 79 in Bosnian. For each television spot, a total of 65 copies were needed with 25 Serbian, 7 in Croatian, and 33 in Bosnian. Television spots were produced in BETA and VHS formats. Each print product was also produced in all three languages with 42% in Bosnian, 30% in Serbian, and 28% in Croatian.

#### 5. The Election Guide

A 40-page *Election Guide* tabloid was also produced which contained samples of all ballots for every jurisdiction, instructions in marking the ballot, general information about documentation required for voting, and an explanation of the voting process. The tabloids covered all the information in three languages, and used illustrations and graphics to simplify the message. 250,000 copies were produced. Arrangements were made with a private contractor to distribute them to newsstands

throughout BiH where they were made available free of charge. Other copies were distributed through OSCE field offices, and in 16 Political Party Service Centers established by the Democratization Department. Utilization of a commercial distributor allowed the branch to ensure that the tabloids got out on time. There was concern that the *Election Guide* on general voter information would be competing for distribution resources for the dissemination of tabloids. Each week for four weeks, the Democratization Department published 500,000 copies of a newspaper that contained the platforms of the political parties, coalitions and independent candidates running in the election. These guides were delivered to the field offices where the staff was overwhelmed by the quantity, weight and space required to store them.

## 6. The Distribution Challenge

Distribution of materials was always a serious challenge as resources often had to be shared. In 1998, the Swiss Support Unit contributed greatly to the overall success of all OSCE's distribution of materials, including those related to voter information. However, the Swiss Support Unit's capacity was stretched to the limit delivering polling station materials and supplies. This was particularly difficult in 1998 with withdrawal of support from the Beluga Group of SFOR that had provided distribution support in the past. Often the voter information materials were of a lesser priority with other election materials which also had to be delivered to the field.

For institutional reasons, OSCE had, in the past, tried to engage SFOR in the dissemination of voter information materials throughout the regional Multi-National Divisions (MND). Generally speaking the role of SFOR in supporting the election effort was invaluable. However, beginning in 1998 it became evident that OSCE would have to wean itself from reliance on their support. As is expected, SFOR's military priorities come first. With a declining presence in BiH, military personnel no longer had time to devote to voter information activities. SFOR support could not be guaranteed even if the chain of approval had been followed and appropriate signatures obtained. The military commander of each MND ultimately determined in what activities his personnel would and would not participate. With competing demands on their priorities, time and resources, they often could not get involved. This was not a uniform problem throughout SFOR. MND-Southwest, the predominantly UK military division based near Banja Luka, was consistently helpful. Other MNDs were helpful sometimes, but occasionally delivery was a problem. The Swiss were often made to wait for hours before being permitted entry to the base/camp. Swiss transport constraints and language problems also contributed to difficulties.

While military resources have contributed significantly to OSCE's Voter Information efforts, it has become evident that the Election Information and Civic Education branch must be able to enter into its own agreements with commercial companies if it is to have sufficient control over the timeliness of distribution. In addition, another lesson that has been learned is that dissemination of materials at the local level must be supported with dedicated resources at the Regional Center and Field Office levels. There should be staff assigned to each Regional Center to arrange for distribution outlets including local community leaders, local businesses, telephone companies, post offices, and non-governmental organizations. Provided with their own local transportation, and resources for hiring casual labor would be most helpful in ensuring that the products meant to inform the public are distributed, and accessible.

## 7. Help Lines

Two "help line" operations, in Sarajevo and Banja Luka, began at the end of July and ran

through the election on 12 and 13 September. Teams of three information officers manned each operation. They were initially tasked to handle queries during the claims period. The heaviest concentration of calls occurred on the election days with most queries relating to location of polling stations and whether individuals were on the final voter register.

#### 8. The Displaced Person/Collective Center Outreach Project<sup>16</sup>

A special program was organized to reach displaced persons residing in collective centers throughout BiH. The purpose of the Displaced Person/Collective Center Outreach project was to inform displaced people about the election, to provide relevant information to them about their voting options, and answer questions as to how they could participate in the process. In the month before the election, a two-man team visited 110 collective centers with a total of 12,240 people. The team began with a list from UNHCR who supported 134 centers, 73 Federation and 61 Republika Srpska, and endeavored to visit as many centers as possible. Some centers on the list could not be visited for a variety of reasons. Some no longer existed, while for others, access was denied. And, in some locations there were security concerns. The centers were mostly located outside the city centers, sometimes even 20-30 km away. Those located outside the city were camps with 100 – 700 residents. Those in city centers had smaller populations who lived in one building.

The conditions for life in these centers were very poor. Most often, more than one family shared a 1 or 2 room apartment and in many cases they all shared one toilette. Some of the residents received humanitarian aid, but the majority did not. It was found that people in Repulika Srpska centers receive more humanitarian aid than in Federation. In addition, the team observed that conditions in centers in the RS are marginally better than in centers in the Federation, and this difference of conditions was reflected in the opinions people voiced.

On visits, all people said they would prefer receiving something useful (food and other necessities), rather than election related flyers, posters, etc. But after some discussion with the team, they received the material and explanations with interest, especially regarding the ballot changes. People said they were familiar with election procedures, since many said they voted in the last two elections. However, the team reported that most people were preoccupied with ordinary problems such as lack of employment, no education for their children, etc. They expressed their gratitude for the visit, saying they were rarely visited by international organizations.

Among people in centers in both the RS and Federation, the team found dissatisfaction with political parties and candidates. Many people in the centers said they thought political parties are more interested in fighting for power than in the interests of people. They often commented that they had voted in the two past elections and were dissatisfied with the fact that circumstances were not improving. The team also noted that people did not express their hatred of those on the other side of the IEHL. Most of them would like to return to their homes, even though they are destroyed. They don't out of fear and concern about being a minority. They say ordinary people are not guilty for what happened in the last 6 years. They think that in time most of their former neighbors would welcome their return.

#### 9. The Shift of Emphasis in 1999

A major focus of the work led by IFES' specialists in 1999 has been related to the Permanent

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<sup>16</sup> Extract; *OSCE Voter Information for the 1998 Elections in Bosnia and Herzegovina – Final Report, 19 September 1998*, Elise Schoux (an IFES consultant).

Election Law Information Campaign. For this program a close partnership has been established between the Election Information and Civic Education Branch and the Press and Public Affairs Department (PPA) within the Mission. Stemming from the mandate extended to OSCE by the Peace Implementation Council in Madrid, the EICE and the PPA have coordinate an extensive plan for "preparing the ground" to receive the Permanent Election Law once it is ready for distribution.

The objectives of the program identified by its own logo that states, "Tell Clearly What You Want", are to:

- Build general support for an open electoral system and a more open Bosnian society;
- Provide feedback of the discussions to the Permanent Election Law Working Group; and,
- Achieve passage of the Permanent Election Law.

Underpinning these objectives is the intent to put "...a 'Bosnian face' on this education effort and to coordinate, energize, and expand existing networks of Bosnian NGOs and groups in an effort to create a national dialogue about the need for a more open and democratic electoral system.... involving the values and principles of desired representation, accountability, and transparency..."<sup>17</sup>

The program has involved the development of multi-media materials designed to educate the general public about the existing electoral system in Bosnia and Herzegovina, simulate public interest in how different electoral systems meet different objectives, and promote dialogue about what citizens want from their elected officials.

The outreach program incorporates a multi-tiered approach. A number of elements have been incorporated in a dynamic program which involves:

- Seminars and roundtables sponsored by the Democratization Department in cooperation with national and international NGO's, seminars and conferences for Local Election Officers throughout BiH organized by the field staff of the Elections Department;
- Use of the Web-site for a question-of-the week "Sign on and Comment" opportunity;
- Television and radio interview shows;
- Plans for a cooperative program with schools and universities, beginning with two roundtable discussions during the summer program at the University in Tuzla scheduled for mid-July;
- Billboards and general advertising.

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<sup>17</sup> *Tell Clearly What You Want, Permanent Election Law Information Campaign Training Manual*, OSCE Mission to BiH, 20 March 1999

In order to gauge the level of engagement and understanding of a cross section of the general public, IFES' consultant directed the EICE program worked with Prism Research, an independent survey company to develop a focus group study in mid-March 1999 before the campaign was to get fully underway. What became clear was that the average citizen did not understand the current election system, and was ill-prepared to assess alternative systems, or their relevance to every day life.

As a tool to improve the public's understanding of their government and election process, a simple to read, fold-out flyer suitable as a poster, once opened fully, was prepared as a general handout. This flyer provided a diagram about the elective bodies at the various levels of authority, an explanation of the current proportional representation system, simple to understand descriptions of a few alternative systems, and information about the drafting process that is underway for the Permanent Election Law.

The preliminary survey also pointed to some illuminating findings relative to public opinion on some important issues that need to be taken into consideration as the Information Campaign becomes more focused.<sup>18</sup>

- Regarding the likelihood of reconciliation between Serbs, Bosniaks and Croats in BiH, 1/3 of participants under 30 years of age indicated that it would take 10 years. Another 26% indicated it would take 50 years. There was little difference in the views of young people broken down by age groups 18-22, 23-26, or 27-30.
- In all age groups, the main reason in determining the way they voted in the last elections was approximately 57% based their choice on ethnic considerations. Ethnicity concerns figured more predominantly in the Republika Srpska than in the Federation, but in both entities, "protection of the national interest of my people" was the number one reason motivating voting choice.
- When citing the main reason a person was not satisfied with the list of candidates, just over 1/3 indicated they "only liked some of the candidates on the candidate list."
- 85% of respondents indicated that they would prefer to elect their president or head of municipality, rather than having them selected by their council or assembly.
- 34% of the participants said that it was likely that they would vote for a politician of a different ethnic group, with little difference between the answers of men and women.

Throughout the campaign, it is anticipated that tracking polls will also be undertaken to measure the effectiveness of the campaign, and to assess new trends as they emerge.

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<sup>18</sup> *Election Law Public Opinion Poll*, Prism Research , 4 May 1999

## **F. Professional Development and Training:**

**(Training Unit: Project Manager, Bosnian; 2 Bosnians out of 3 Senior Trainers; NITP Project Manager, International; NIPT Project Coordinator, Bosnian)**

This Branch encompasses two components: the National Infrastructure Training Program (NITP) and the Training unit. IFES has been an integral part of the development of this Branch. Through the assistance of IFES long-term and short-term consultants, the Branch has become one of the most pro-active units within the Elections Department in building the "Nationalization" strategy.

Since 1998, several core objectives were established to ensure a definitive path could be outlined in the journey to 2000 when it was envisioned that a hand-over could be achieved. Integration of programs which could enhance the likelihood for success were based on the following requirements:

- Sustaining an experienced labor force and retaining institutional memory to stop the "start from scratch" mentality which has hampered each new election cycle and added to the costs in prior years;
- Enhancing the national infrastructure to ensure sustainability of a democratic election system following the draw-down of international presence;
- Gradually eliminating the need for 100% international supervision while maintaining full accountability and transparency of election processes, including polling and counting.

It was determined that the Professional Development Branch would focus on three major components: 1) training of staff, supervisors and local government counterparts on specific election activities; 2) professional development of national staff and Local Election Commissions; and, 3) establishment of a BiH Association of Election Officials.

### **1. The Training Unit**

The Training Unit develops the training manuals and programs for election officers, registration officials, Local Election Commissions and local government officials in the performance of specific election related functions. The Training Unit of the Branch prepares the materials and develops the strategy for procedural training of registration and polling committee workers relative to a specific election. It is estimated that approximately 18,000 Bosnian will require training for conduct of the polling during the next municipal elections. A key shift in the training program in 1999 resulted from the transfer of voter registration responsibilities to municipal offices. In prior years OSCE established 400 locations where international supervisors supervised the activities and performance of local Voter Registration Center Committees. The training unit organized on-site training visits in over 140 municipalities to provide personalized training to small groups of municipal office staff who would be carrying out registration activities as part of their regular daily functions.

Since 1998, as an integral component in meeting the overall goal of turning over responsibility to national counterparts, this unit designed and facilitated the "train the trainers" program to prepare a team of Bosnian trainers to do the training of officials engaged in the registration and polling

activities throughout BiH. In addition, in 1997 and 1998, 7000 short term International Supervisors were trained in registration and polling station procedures. The Training Unit also prepares and facilitates the Welcome Program for the Elections Department for incoming new staff members before they are deployed to the field.

## 2. The National Infrastructure Training Program

The National Infrastructure Training Program (NITP) component was initiated by the IFES Consultant serving as Deputy Head of Mission for Elections in late 1998, as a key element in the nationalization program. The NITP focuses on designing programs for enhancing the education and experience of national staff members and BiH election officials. Specifically, with strong support from IFES, this unit develops and implements the strategy for bringing about educational opportunities, training programs and expert consultant resources to prepare national counterparts to take over the election process.

## 3. The University of Essex Certification Program<sup>19</sup>

One of the most successful programs underway is the multi-tiered education program for national election officers through the University of Essex in the United Kingdom. Phase 1 involved study at the University for 20 national staff members in comparative election systems and administration of elections. Upon passage of examinations, these students will receive a University Certificate. In Phase 2, the instructors came to BiH to conduct the same program on site. Through simultaneous translation, the opportunity was made available to an expanded audience of both English speaking and non-English speaking participants. During this phase, key members of Local Election Commissions, and representatives of national NGO's involved in election monitoring activities will also be able to participate. The 3<sup>d</sup> phase involved approximately 40 national representatives who gained practical experience as observers in the UK during their local elections in May.

The University of Essex was selected by the OSCE Mission to BiH, due to its competence in Central and Eastern European electoral systems, its close and long established links with the UK Association of Election Administrators, and through them to the Electoral Reform Society. This also linked the program to IFES as one of the senior officers of the Association of Electoral Administrators is also an IFES consultant. The linkage provided a well-rounded package for a totally integrated program that encompassed the major aspects of the Professional Development Program. The University of Essex also possesses a pool of Slavic speakers, an academic staff with strong reputations, who were willing and able to work on the courses at short notice. Finally the University has the largest number of Bosnian members of the student faculty of any UK academic institution, so that many of the students for whom this was to be their first overseas visit, would not feel isolated.

Subsequent to their selection, the University has continued to demonstrate the appropriateness of their selection by the pro-active way in which they have approached this challenging task, and developed the original concept. Future activities are being developed which would create links between the University of Essex, OSCE, and Universities in Tuzla, Banja Luka, Sarajevo and Mostar. If successful, these cooperative arrangements would institutionalize election education in Bosnia and Herzegovina for the long-term.

## 4. Observation Missions and Conferences

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19 Include Extracts from *Professional Training: An Integral Part of Democratic Transition*;



Other training programs have focused on management in ethnically diverse work environments, productive communications and general management techniques. The Branch has also coordinated with ODIHR to facilitate arrangements for national staff members, Local Election Commission Members and representatives of the NGO monitoring group organized by the Democratization Department, to participate as short-term observers during elections in other countries. In particular, a team of three internationals and three Bosniaks were sent to Estonia to assist ODIHR in preparing for the arrival of the international observer delegations. Based on her experience gained in BiH, one of the Bosnian members of the team set up the Media Monitoring unit for the project.

Through IFES, a number of other important opportunities have been created which have allowed national staff members and election officials to take their place in the "world community" of election professionals. These opportunities have included participation by Bosnian national staff and Local Election Commission members in a number of international election conferences including:

- Conference of Association of Central and Eastern European Officials in Lithuania;
- Conference for Regional Election Administrators of the Central Asian States, in Kazakhstan;
- Annual Conference of Association of Electoral Administrators, in Blackpool, England.

These experiences have boosted confidence, and brought new insights to the national staff and commission members who have attended. Not only have they shared common experiences with election officials in other parts of the world, they have also come to understand the sophistication of the election process in Bosnia and Herzegovina, the extent of their own competence, and how to assess the merits of alternative systems and procedures. At two of these conferences, Bosnian colleagues not only participated; they also made presentations, and were well received by hosting counterparts.

IFES has also been instrumental in providing relevant speakers from a number of countries to enhance the value of conferences organized by the Professional Development Branch in BiH. Election experts from Hungary, United Kingdom, United States, Russia, and Latvia have offered presentations on a variety of subjects from electoral reform to outreach to voters with special needs. The speakers from Russia, Latvia and Hungary, brought messages of particular relevance as BiH continues to work on the development of the Permanent Election Law of BiH, and the electoral system continues to evolve. (See Annex 1, *Courses run by the Professional Development Branch*)

## 5. BiH Association of Election Officials

One of the key goals of the NITP has been to establish an Association of Election Officials with membership throughout BiH. This has been seen as a crucial part of the nationalization strategy and the ideal mechanism to promote cross-IEBL cooperation while stimulating professional development at the same time. The First Congress of Local Election Commissions took place in December of 1998 with the support of IFES. Nearly 250 officials and NGO's involved in domestic monitoring were in attendance for the 5-day workshop held in the Republika Srpska. The Congress was considered a major success. It had been the first time since the war that many of the officials had had any contact with their counterparts from across the IEBL. In the first day or two of the conference

officials from the same entity sat together, each on their own side of the auditorium. By the third day, they were commingled both during conference hours and after.

The Congress was the group's first exposure to the potential of forming such an association. Speakers sponsored by IFES from Hungary, United Kingdom and the United States made presentations about the functions and successes of their own organizations and stimulated interest among the participants. Ultimately, on the closing day of the session, the group adopted a resolution to form an association and elected a 14-member task force to initiate the process of registering the association.

It was a major achievement, and there developed a level of enthusiasm that exceeded original expectations. The task force included members from both entities representing Bosniaks, Croats and Serbs.

## 6. A Constitutional Question Arises

Just as importantly, however, was the fact that the resolution included a specific provision supporting the enactment of a BiH state law on registration of citizen's associations. This provision ultimately became a "good news/bad news" scenario as the work of the task force began to unfold. The method of registering the Association became a hot-bed of controversy and the most divisive issue facing the group. The issue centers on the same constitutional question that plagues the functioning of almost all state institutions at the BiH level; that is, which competencies belong to the state, and which to the entities?

The constitutional dispute relates specifically to Article III of the Constitution which enumerates the "Responsibilities and Relations Between the Institutions of Bosnia and Herzegovina and the Entities." Section 3 (a) goes on to say that "...all governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina, shall be those of the Entities." Registration of Citizens Associations is not mentioned in the enumeration of functions. Many experts argue, therefore, that the Entities have the exclusive right to regulate such activities. However, there is an equally strong argument that Section 5 (a) of the same article counters the earlier interpretation. It says that Bosnia and Herzegovina shall assume responsibility for, among other matters, those "provided for in Annexes 5 through 8 of the General Framework for Peace." Annex 6 is the Agreement on Human Rights, and among those rights listed in the annex is the "freedom of peaceful assembly and freedom of association with others."<sup>20</sup>

The fact remains, however, that there is no appropriate law at the state level under which a citizens association can register on the entire territory of BiH in a manner which would satisfy delegates from both Entities. Each entity's law allows an association to include members from the other entity. However, conditions still exist in BiH that would preclude a willingness of most people living in one entity from joining an association registered in the opposite entity. Therefore, registration of a single association is virtually impossible.

At the current time, entity laws govern the registration of citizens associations. That means that any solution proposed to register a single association is marginal at best. Even a strategy whereby the Association would be registered simultaneously under the same name, and with the same by-laws, and same list of founding members simultaneously in each of the entities, has a pitfall that could jeopardize the Association in the long-term. That is because the entity laws each require that the seat of the association be within the territory of the entity in which it is registered. There are no banks that span the IEHL, therefore the bank accounts in each entity will be with different banks. That then means, in practical terms there are two organizations. If there were ever a legal dispute, or one faction of the

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20 General Framework Agreement for Peace, Annex 6, Human Rights, Chapter 1 (9)

association chose to split from the other, there would be no state court to rule on ownership or division of assets. The entity court would have jurisdiction, but only on its "half" of the association.

This was a sufficient stumbling block to be overcome on its own. However, aggravated by tensions increased by the NATO bombing in FRY, enthusiasm for prospects of forming a single association waned. Republika Srpska delegates have expressed a view that there should be two separate associations which could one day form a union of sorts to link them loosely.

Ultimately, however, at the Second Congress of Local Election Commissions held in early May, another resolution was adopted to continue working on the by-laws, and revising the plan for registering the organization. Current plans call for the presentation of their finalized proposal at the next Congress which will be held in September. In the meantime, OSCE and IFES will continue to support conferences and seminars to keep interest aroused, and move forward with the professional development of election officials throughout BiH, as part of the nationalization strategy.

### **G. Out of Country Voting Branch**

**(85% National Staff of 110 Employees: 44% Bosniaks; 20% Croats; 36% Serbs)**

The total number of refugees still residing outside the country is not really known. However, 1/3 million are currently registered to vote. The Out of Country Voting Branch facilitates voter registration and voting by citizens living outside BiH. In 1996, 1997 and 1998, the Department contracted and oversaw the work of the International Organization on Migration (IOM) who facilitated the operation at offices in Vienna, Belgrade and Zagreb. Approximately 1/2 of the refugee voters were assisted in person through registration centers and polling stations in FRY and Croatia. Refugees residing throughout the world beyond BiH, FRY and Croatia were processed entirely by mail.

An IFES consultant directed the activities of the OCV Branch and its programs in 1997 and 1998. An entire process of outreach, facilitation and processing was designed to provide service to as many refugees as possible while maintaining the integrity of the process. The programs have been driven by a demanding timeline which, due to distance, must always be several weeks ahead of the timeline designed for registration and polling within BiH. In fact, in order to ensure that ballots are received by voters, voted and returned on time, they must be mailed at least 5 weeks ahead of Election Day. This means that the all lead-in tasks related to ballot production must occur much earlier in the overall time line than would normally be necessary for conduct of elections under normal circumstances. For example, the registration of political parties, coalitions and independent candidates, the ballot tender and production have to occur at least two months earlier than would normally be necessary.

The effectiveness of OCV services has been dependent on extensive efforts that have concentrated on the development and distribution of voter information and instructional packets, advance materials for over 170 host governments, NGOs and refugee agencies who assist Bosnian citizens living around the world. The program is generally organized in two major phases: through the voter registration period; and, later for the posting of ballots to those who have registered, and the processing of them once they have been returned. Throughout the process, the Branch also monitors for indications of misuse or manipulations.

## 1. 1997: Balancing Opportunities and Safeguards

1997 became the year in which specific attention was focused on trying to achieve a balance between providing the maximum opportunity possible to allow refugees (and other citizens) living abroad to register and to vote. This balance was very important in view of the fact that abuses related to the PK 2 applications in 1996 had caused the municipal elections to be derailed in that year. The task of creating broad opportunities for voters abroad was also challenging in view of the first formal registration process being implemented for the first time. Nonetheless, the program was viewed as generally successful with over 408,000 people successfully registered out of 470,000 applications received, and approximately 82% of those registering by mail actually casting ballots on time.

When compared with 1996 when almost 631,000 applications had been received, the number of successful registrations was markedly down. However, as noted earlier in this report, 220,000 applications had been submitted by persons claiming their desire to register to vote for a municipality in which they "intended" to reside sometime in the future. The general rule established in the GFAP gave citizens the right to vote in their 1991 pre-war municipality. And, the Rules and Regulations had been severely restrictive in its allowance for the "future municipality" option. As a result, the number of applicants applying for this option in 1997 had withered away. The table below reflects the comparison between 1996 and 1997 applications and illustrates the significance of the reduction of applicants from FRY and Croatia, to the overall OCV registration figures. By-mail applications from citizens around the world, remained relatively stable between 1996 and 1997 as did the turnout at approximately 82%.

Year	Registered for 1991 Municipality		Registered for Future Municipality Option	
	FRY	Croatia	FRY	Croatia
1996	87,199	117,836	137,805	13,972
1997	67,779	61,497	5,374	223

The drop in overall registration figures in FRY and Croatia were attributed generally to several circumstances by IOM in its assessment of OCV registration activity in 1997.

First, were the more stringent criteria regarding "future municipality" voting. Second, IOM cited concerns relative to Article 11 of the Rules and Regulations which stated, "the exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina." Concern was raised that some voters may have chosen not to participate out of fear of forcible return. Their report stated:

"In FRY, over 60% of the refugees interviewed by UNHCR last year stated that they wish to settle in FRY, and do not anticipate returning to Bosnia and

Herzegovina. The situation in Croatia appeared similar, with a large number of Bosnian Croats having obtained Croatian citizenship. Voluntary repatriation and resettlement to third countries may be additional factors accounting for the overall decline in numbers from the 1996 project."<sup>21</sup>

It must be recognized that a number of voters were likely to have been repatriated or voluntarily moved to third countries.

## 2. Minimizing Irregularities

In general, the OCV program had relatively few incidences of serious attempts to defraud the system. In each case they were acted upon quickly in order to minimize the negative impact on the integrity of OCV registration program.

Certain attempts were made to issue fraudulent citizenship certificates to persons living FRY and Croatia. Authorities in Stolac and Drvar, in particular were engaged in this activity. In both cases their violations were handled through the Citizenship Verification Sub-commission, and the Election Appeals Sub-commission. In one registration Center in FRY, officials had to be dismissed when it was discovered that they were mishandling registration forms. In these cases the voters had to be notified of the improper processing, and asked to return to register anew.

Nearly 20,000 persons attempted to register more than once. These duplicate applications were attributed more to the voter's concern to make sure his or her application was received, rather than an attempt at manipulation. Often one application was received by mail, and the second by fax. Of more serious concern was the fact that sometimes an application was received from a person with a private return address, while a second was received with a return address known to be that belonging to a "club." There are many such clubs formed and catering to the needs of Bosnians living abroad. In these cases, the application from the private address became part of the permanent record, and the second application was rejected.

## 3. Trends Noted in 1998

Basically, the 1998 OCV program followed in the fundamental operational and procedural guidelines that had been put in place in 1997. However, there were new trends that are worthy of comment.

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21 *Final Report on the Out-of Country Voting (OCV) Program for Bosnia and Herzegovina Municipal Elections, 13 to 14 September 1997*; International Organization on Migration, November 1997

The most significant trend noted in the 1998 program was the dramatic reduction in the number of mail applications received. The program involved two parts. First, the database on voters who had been registered in 1997 served as the basis of the 1998 OCV program. Every voter who had registered in the prior year was sent a "confirmation form" to the last known address for that voter. The confirmation form was pre-labeled with the voter's details. Upon return of the confirmation from, the voter's record was updated so that the voter could be mailed a ballot automatically. It became clear that thousands of voters to whom confirmations were sent had moved away, and that there was no way to know where they had gone. The Rules and Regulation indicated that a voter who failed to respond to the request for confirmation would not be sent a ballot, but their record would be maintained on the master database so that if they appeared at a polling station, they would be allowed to vote a tendered ballot.<sup>22</sup>

The second element of the program was the receipt of new applications from persons who had never registered before. Previously registered voters who had moved could also submit a whole new application in order to update their data so that they could be sent their 1998 ballots.

Whereas the drop in the number of registrations for FRY and Croatia between 1996 and 1997 was significant, in 1998 it was the drop in by-mail applications that proved to be the major concern. From 267,396 successfully registered by-mail in 1997, the number of by-mail voters in 1998 dropped by 43% to only 153,163.

<b>YEAR</b>	<b>FRY</b>	<b>Croatia</b>	<b>By-Mail</b>
<b>1997</b>	67,779	61,497	267,396
<b>1998</b>	77,004	74,850	153,163

The concern exists that the downward trend in by-mail voters world-wide may continue. Some of the downturn may be attributed to repatriation and the return of voters to Bosnia and Herzegovina. In fact, among voters voting by tendered ballot at polling stations within BiH in 1998, nearly 13,000 were voters who had been repatriated after the cut off for re-registration had passed. However, there are fears that the longer persons stay away, the less likely they will maintain their voting right in BiH. Often, they apply for citizenship in their host countries and resettle with the intent to remain where there permanently.

As a practical matter, there are also concerns that even BiH Embassies and Consulates are unable to track their whereabouts as they move from their host country to a third country. This is particularly true of Serb and Croat refugees who are able to travel on papers and or documents issued by FRY and Croatia. For these reasons the vast majority of citizens about whom BiH Embassies and Consulate offices are aware, tend to be Bosniaks. The key to keeping refugees interested in exercising their voting rights will be the effectiveness of outreach programs which will have to become increasingly pro-active and expansive.

#### 4. 1998 OCV Voting Trends

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<sup>22</sup> Rules and Regulations of the Provisional Election Commission, 1998, Article 2.66

Whereas turnout among by-mail voters remained stable at 82%, turnout among voters in FRY and Croatia was disturbingly low in 1998. This was particularly true in FRY where actual participation on Election Day reflected a turnout of just 31%, down from 51% in the prior year. In Croatia, the turnout rate also dropped from 82% in 1997 to just 55% in 1998.

Perhaps the reasons for the low turnout reflect some of the same conclusions drawn by IOM in 1997 that many voters have made determinations to remain and resettle permanently where they are currently residing. However, would have expected the same decline to be reflected in the voter registration figures for these two countries. However, as the prior table demonstrates, registration figures in FRY and Croatia actually went up in 1998. It is possible that the upturn in registration was a result of the affirmative action taken by the refugee agencies to register as many voters as possible. However, when it came to polling day, voters were left to their own devices to make it to the polls, and clearly, the vast majority of them did not appear on polling day.

One explanation offered by IOM (which managed the program) is that low turnout in FRY could be attributed to a lack of interest in the General Elections; the majority of the OCV voters residing in FRY are actually refugees from the Federation. According to IOM, evidence suggests that FRY voters were not really "interested in voting for an administration of an entity in which their ethnic group is not (in the majority)".<sup>23</sup> In addition, International Supervisors overseeing voting activities at polling stations in FRY reported that many voters rejected their Federation ballots when they noted that no Serb parties had run for elective bodies in the Federation. Many of these voters actually went so far as to appear at another polling station and vote by tendered ballot for an RS ballot rather than vote the Federation ballot for which they were eligible on the basis of their 1991 residence in that municipality. It was an unfortunate occurrence since their ballot would have had to be rejected.

#### 5. 1999: OCV Operations Based on Sarajevo

A major change in this Branch's operation is being implemented in 1999. In prior years, there was a great dependency on the International Organization on Migration with whom a Memorandum of Understanding was negotiated to run the major part of the program, including the processing of applications, out of Vienna. However, under a plan envisioned under the direction of IFES' on-site consultants, the program is now being conducted by the OCV Branch in Sarajevo. This change represents the commitment in refining programs that can be sustained by local authorities once the election process is totally turned over to BiH institutions. The OCV Branch is fully engaged in training local staff and local authorities to carry out the requirements of facilitating registration and voting by refugees still remaining outside the country.

The Branch is also expanding the number of offices to be opened. From the beginning of the program offices have been maintained in Belgrade, Zagreb and Bonn or Munich (except in 1998 when Germany declined to provide this service) to ensure cooperative arrangements can be maintained with host governments in those countries where the majority of refugees still reside. In 1999 the Branch will be working with the Ministry of Foreign Affairs who have agreed to provide office space and operational support for OSCE designated staff members to facilitate the OCV program in Stockholm, Washington and Chicago as well.

Current planning also calls for the processing of voters in FRY and Croatia by mail in the

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<sup>23</sup> *Final Report on the Out of Country Voting (OCV) Program for Bosnia and Herzegovina 1998 General Elections, 12-13 September 1998*, International Organization on Migration, November 1998

same manner as those residing throughout the rest of the world. At the beginning of 1999, preliminary discussions with the relevant agencies in FRY and Croatia suggested that this change was not only feasible but would be more convenient to the voters who must travel some distance to get to the registration centers and polling sites in those countries. In both cases, their refugee agency representatives (from the Commissariat in FRY and the Office of Displaced Persons and Refugees in Croatia) indicated that they could help in the facilitation of this program. A key feature of this transition is to have each voter re-register to provide their current mailing address. Through the regional offices of the refugee agencies in both countries, voters would have access to forms and instructions, and assistance from the refugee agencies in ensuring their applications were transmitted to Sarajevo. Another important change in the process is that the verification of each applicant's eligibility is to be handled exclusively by the Coordination Center in Sarajevo, rather than at the support offices in FRY and Croatia. This will allow the OCV Branch to ensure that adequate security measures are maintained to safeguard the integrity of the system.

Obviously, the program as it was envisioned has been severely impacted by NATO action in FRY. The full impact has not yet been fully assessed and may take some time to be fully understood in the long term. In particular has been the restriction of any activity by OSCE in FRY. However, after lengthy negotiations an arrangement has been put in place to contract with IOM who will server as OSCE's agent in Belgrade. The Commissariat has expressed its continued interest in serving Bosnian Serbs who are refugees in their country in spite of the crisis that has overtaken Serbia in recent months. The program is being initiated but the capacity of the program will be severely tested, and may involve significant alterations in the months to come.

## **H. Election Services Branch:**

### **(3 of 4 Chiefs of Sections Nationalized with Bosnian Incumbents)**

This Branch rests at the heart of the Election Department, and provides the operational and logistic foundation for the conduct of elections. All commodities, printed materials, ballots and supplies are procured, secured, packed and distributed through this Branch. In 1996, when the operation and logistic support for the election process was built from scratch, IFES provided the technical experts to define, procure and produce the materials and commodities needed for the election cycle.

In 1996 and 1997, all distribution was facilitated through the Beluga Group at SFOR. In 1998, SFOR was no longer available to provide this service. As a result, the Transport Cell was established within the Election Services Branch. The Transport Cell negotiated with the Swiss Support Unit, and prepared the distribution and scheduling plan for dissemination of all sensitive and non-sensitive election materials to and from the Field Office and Local Election Commissions.

In 1999, the Design Studio was incorporated into Branch. The Design Studio is responsible for translating the procedural requirements of the Rules and Regulations, concepts and procedural policies and the specific needs of other Branches into forms and protocols, envelopes and other printed materials required for the conduct of elections. In each case, an individual form must be consistent and in conformity with other related forms, as well as appropriate relative to the instructions and procedures outlined in the various training and procedural manuals. Specifications and purchase requisitions for all materials, commodities and supplies are defined by Election



Services. The Branch is also deeply involved in production of the ballots, and packaging of the correct versions in the appropriate quantities for each of Field Office, registration center, polling station, absentee station or other location where they are needed. The magnitude of their responsibility can be measured in real terms. In 1998, over 2,700 tons of materials were procured, printed, stored, packaged and distributed through Elections Services. Over 300 separate forms, protocols, printed envelope styles, handbooks and manuals were produced. Approximately 2.5 million, 40-page tabloids were distributed to inform voters about the platforms of political parties and the voting process. And each printed product had to be produced in 4 different languages. In addition, 400 registration centers and 2300 polling stations both inside and outside BiH were outfitted with the appropriate materials by Election Services in 1998. The plan for 1999 calls for an increase in the number of polling stations to 3,500

### **I. Election Supervision Branch:**

**(Chief of Operations, Bosnian – Not Fully Staffed Until 120 Days Prior to Election)**

Over 1997 and 1998, nearly 7,000 short-term election supervisors were recruited, trained, equipped and deployed to oversee operations at registration centers and polling stations. Election Supervision Branch facilitates their recruitment, deployment and repatriation. Throughout each registration and/or polling cycle, the Election Supervision Branch coordinates and secures contracts for each supervisor's transportation, lodging, and translator, and looks to their well being and safety. The training each international supervisor received went well beyond matters related to their duties as supervisors of the election processes. They received extensive security training, including land-mine awareness training, and training in radio communications since many of them were deployed to areas where normal telephone communications were not available.

Since the mandate for 100% international supervision was introduced in 1997 the Department can boast of a safety and security record per capita that even SFOR cannot match. In 3 major elections involving deployments throughout the Federation, Republika Srpska, Croatia, and the Federal Republic of Yugoslavia, including Kosovo, over 7,000 short-term internationals, have been received, trained, deployed and repatriated without a single casualty.

The strategic plan in 1999 calls for a reduction in the number of supervisors who will be called upon for the municipal elections. In view of advances being promoted to nationalize the process and the success of the NGO monitoring program established in 1998, greater reliance will be placed on training and deployment of NGO, citizen organization and party observers in the next elections. Over 3,000 political party and candidate representatives and domestic NGO observers were accredited to observe registration and polling activities within and outside BiH, and at the counting centers.

In view of the success of the domestic observation mission in 1998 supported by the Democratization Department and the National Democratic Institute, the plan for the municipal elections calls for a reduction in the number of international supervisors. It is estimated that only 700 international supervisors will be needed this year. The intention is not to have them serve in the traditional manner, visiting a number of locations throughout polling days. That kind of observation is not sufficient to deal with improprieties as they occur. It is intended that the 700 supervisor (approximately 1 supervisor for 5 polling stations) would act as a "Rapid Response Team." NGO's

and political party observers would be able to report violations or difficulties to these International Supervisors. They could, in turn, initiate an immediate remedy through a decision of the Election Officer, or, in the more serious cases, through a decision of the Provisional Election Commission which sits in continuous session on polling days.

#### **I. Joint Operation Centre:**

The JOC serves both the Mission as a whole, and the Elections Department. The JOC was originally established within the OSCE, as a joint civilian/military operation center supporting the conduct of the elections. In 1997, the Elections Department had over 20 military personnel within its operation.

In 1998 the downsizing of SFOR direct participation resulted in an adjusted assessment of JOC's place within the OSCE. Whereas the JOC had been a sub-unit of the Elections Department in prior years, it was subdivided, in 1998, into two cells: the Operations Cell, which fell directly within the chain of command of the Chief of Operations for the Mission; and, the Field Coordination Cell, which was the main communication and coordination link between Home Office and the Field. It was evident that OSCE had become more and more self-reliant. No longer were military personnel interspersed in the various Branches of the Department. With the loss of Beluga Group support for distribution of materials, another day-to-day dependency on SFOR was eliminated. However, there is still a need for a strong linkage between SFOR and OSCE especially in terms of security, communications, strategic planning and intelligence sharing. The JOC provides that link.

The Joint Operation Center also tracks incidents of violence or tensions that could jeopardize the safety of OSCE staff throughout the country and implements security operations as they are needed.

The JOC also plays a key role in acquiring, synthesizing and analyzing information from various International partners such as SFOR, IPTF and ECMM and advising the Mission's leadership as to how such information might impact policy and strategic planning. Working in coordination with SFOR, IPTF and ECMM, JOC develops the strategy for monitoring voter routes, negotiating agreements with local police for the security of polling stations, securing consensus with BiH military components regarding the voting and registration of military personnel, and designing emergency response strategies. These services are particularly important to the Elections Department during peak periods of activity.

In 1999, a decision was taken that the entire JOC component would be officially transferred to fall under the direction of the Chief of Operations for the Mission.

#### **X. Voter Registration**

The cornerstone of the election process established in Bosnia and Herzegovina is the Voter Register. As in any established democratic election setting, development of a creditable system is not a static process. It is an evolutionary process. Each election cycle supervised by the OSCE since 1996 has seen advancements in the organization of voting, and, in particular in the procedures for creating the Voter Register. It has been no easy task. And as decisions were made, few were without jeopardy and risk. In fact, the post-war environment, massive scale displaced and refugee populations, disrupted municipal boundaries, dramatic changes in the ethnic balance of communities, destroyed or missing municipal records, and uniquely complex voter eligibility criteria converged to pose almost

insurmountable challenges.

Administrators, including IFES consultants, were also faced with severe time constraints, as each election was treated as a “project,” limiting opportunities for continuity and momentum year to year. At the end of each election cycle, election staff was sent home, and preparations for the next round of elections had to be initiated anew with significant changes in the personnel.

Nonetheless, with each successive election, expectations were raised as were ambitions to create a system that not only provided for an increasingly accountable election process, but could also be sustained by national authorities. The most challenging element proved to be the establishment of a comprehensive and accurate voter register. What follows is a brief overview of the evolution of the Voter Registration System in Bosnia and Herzegovina.

### **A. The 1991 Census: The Foundation Document**

The General Framework Agreement for Peace placed total reliance on the 1991 Census as the foundation document for determining eligibility of citizens to participate in the elections. At the heart of the GFAP is a vision of Bosnia and Herzegovina, restored to its pre-war, heterogeneous state. Its provisions create a framework that contemplates that all displaced persons and refugees would return to their pre-war homes. Toward that end, the GFAP provided that as a general rule, voters would be expected to vote in their pre-war residence.<sup>24</sup> However, the GFAP also provided that a voter “could apply to vote elsewhere.” These two provisions create a complexity that is unique to BiH. Together, they mean that hundreds of thousands of voters are entitled to choose among voting options. Devising regulations to cover the variety of options available to voters based on their individual circumstances has proved to be a complicated and challenging task.

The relevance of data contained in any census does not improve with age. However, in 1996, the 5-year-old document at least provided a stable platform from which to begin. The environment hardly lent itself to reconstruction of reliable civic records relative to the population, and specifically their current locations.

- It is estimated that 250,000 or more lost their lives during the war
- It was also estimated that nearly 1/2 of the surviving population was displaced, including those within BiH exiled from their pre-war homes, and refugees residing outside the country.
- Some estimates suggest that approximately 9% of the citizens of BiH may have been omitted from the census through administrative error, or due to absences of citizens from their homes when the census was taken.
- Allegations have also been made that citizens of certain constituencies may have been removed since the census was taken.

Finally, reliance on census data relative to the municipality and settlement in which an individual resided at the time the census was taken, was significantly impacted by the rush of community name changes resulting from the division of pre-war municipalities by the Inter-entity

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<sup>24</sup>General Framework Agreement for Peace, Annex 3, Article IV (1)

Boundary Line. The IEHL which separates the territories of the Federation of Bosnia and Herzegovina and the Republika Srpska Entities, is not a surgically well-defined line on a map; in some places the boundary is an irregular strip 1/4 to 1/2 a mile wide, dividing not only municipalities, but settlements and villages, and in the most extreme cases, even apartment buildings. Entity statistical institutes where vital statistics and population data are maintained, were not communicating with each other or sharing information. Reliable maps were simply not available. And, leaders in the divided communities were often anxious to rename communities to reflect the separations from their pre-war municipalities, and in some cases to reflect the predominant post-war ethnicity within the newly created municipalities.

Nonetheless, the Census has proved to be the most reliable source document available. In fact, the Census is the only source of data regarding pre-war residents of a number of municipalities. In some communities civil records were destroyed during the war, while in others, fleeing officials took the record books with them and the records remain in exile to this day. Because it is also a static document, not subject to change, it has provided a stable platform for determining eligibility of voters, at least relative to the general rule established by the GFAP.

## **B. Elections 1996: The Census as A Voter List**

In the immediacy of the first post-war elections, there was little time to contemplate or implement a normal voter registration program. In lieu of an updated voter register, the 1991 Census served as the master voter list for the 1996 elections. Segments of the Census were available at each polling station. Each voter who appeared was looked up on the Census roll. If the person's name was found, he or she was allowed to vote.

However, in response to the GFAP's guarantee provided in the same Article that voters "could apply to vote elsewhere," a good deal of time was spent determining how the provision could be implemented. Presumably, the intention of the provision was to provide assurances to the hundreds of thousands of people displaced by the war, both within BiH, and abroad. Any suggestion that the provision was intended to indicate a person could apply to cast a ballot at a different location had to be set aside since language in the same provisions covered the issue of voting in person or by absentee ballot.

Simply determining the grounds on which a voter could make an application to "vote elsewhere" opened a number of considerations for which there were no easy solutions. Rules had to accommodate displaced persons (those expelled from their 1991 municipality but still residing within BiH,) and refugees (those who had left BiH altogether and were residing abroad. Ultimately, it was decided that persons could exercise one of two options if they chose to "apply to vote elsewhere," instead of maintaining the 1991 "general rule" cited in the GFAP.

In applying to change their voting eligibility from their place of residence according to the 1991 Census citizens could choose:

- The municipality in which they currently resided; or,
- A municipality where they intended to reside at some time in the future.

Eventually, the application process for choosing an alternative to the “general rule” would raise serious questions about the fundamental integrity of the system. Essentially, there were no safeguards introduced at that time to protect the process from manipulation. No criteria were established to substantiate a voter’s tie to a community or legitimate claim to eligibility to vote in a particular municipality. Serious abuses were suspected related to the choice of a “future municipality” where a person claimed that they intended to reside in the future.

The application form for this option became known as the "PK2" form, and was destined to become one of the most controversial elements of the process during the 1996 elections. An unfortunate trend seemed to emerge: it was suspected that the choice of an alternative municipality appeared orchestrated, and motivated more by a desire to alter the balance of electoral influence within a municipality rather than by individual identification with the community involved. And, indications were that, in many cases, the intended result of the mobilization of voters to select an alternative-voting municipality related to strengthening the advantage of a particular ethnic group. Such mobilization reflected the extent to which manipulation of the voting right was being used to segment voters into ethnically divided communities, and to ensure influence on the outcome of elections, particularly at the local level.

Approximately 220,000 people selected the “future municipality” option. So suspect was the legitimacy of these applications, the feasibility of conducting fair municipal elections that were to be conducted simultaneously with the general election came into question. Ultimately, it was decided that under such circumstances, municipal elections could not be held at all. Although the General Elections were held on schedule, the municipal elections were postponed indefinitely.

### **C. Challenges to Planning and Accountability:**

As a sidebar, use of the 1991 Census as a voter register posed significant challenges for administrators. Specifically, with an estimated 50% of population no longer where they were at the time of the 1991 Census, it was virtually impossible to plan efficiently for polling day. There simply was no reliable information as to where people were. This meant that planning had to occur in a virtual vacuum in terms of ordering and distributing ballots and polling place materials. Not only did it prove costly, it also raised the another red flag for potential abuses.

Accountability for ballot usage became suspect as in some areas voter turnout slightly exceeded 100%. Procedures put in place by the IFES-consulted Director General for Elections in 1996, provided safeguards and ensured the issuance of ballot papers could be accounted for against the list of voters who appeared at a polling site. However, a general lack of understanding of the process and the environment in which it was being carried out, allowed critics to question the legitimacy of election results despite the procedures that had been put in place. In fact, the turnout figures were virtually impossible to project with any reliability, since, except for Census figures, there was no stable figure to balance against.

Based on the option created by the GFAP that allowed voters to apply to vote elsewhere other than where they were listed on the Census opened the door for sites to exceed their 1991 number of voters. Based on the right to "apply to vote elsewhere" the number of persons eligible to receive a ballot was inflated to include those on the Census, plus those who had selected a specific municipality

as their alternative option. The current location of voters was unknown, and anyone could turn up to vote in places where they were not normally expected. For general elections, in particular, even a person appearing to vote in a municipality which was not their 1991 Census municipality could still be eligible to receive a ballot for the entity or BiH level elections.

#### **D. 1997: Introducing Voter Registration**

Because of the jeopardy created by the misuse of the "PK2" form in 1996, a firm commitment was made that formal safeguards were needed to protect the integrity of the process. It was also concluded that OSCE's mandate would be extended to cover conduct of the Municipal Elections in 1997. The flaws in the application process for alternative voting options exposed in the 1996 exercise, left unresolved, would have seriously eroded the credibility of the elections at the municipal level.

These enhancements included:

- Implementation of a full voter registration exercise and creation of a formal Voters Register requiring an application from individual voters;
- Insistence of 100% international supervision for the registration and polling processes;
- Establishment of verifiable criteria upon which each person's eligibility for the voting option he or she selected could be determined.

##### **1. No Precedent for Affirmative Voter Registration:**

The development of a comprehensive Voter Register for war-torn Bosnia and Herzegovina was destined to be a challenge. It was the first exercise of its kind to be implemented, not only in BiH, but also in the region.

Neither the population nor the officials on whom OSCE would rely had experience in a registration process that required an affirmative act on the part of each voter. In the past, preparation of voter lists was carried out passively, with total reliance on the master record files maintained by the various offices of local government. Primarily, police records provided the basis of adding people to the list of voters, or removing them. Police departments maintained residency records on each person who moved into a municipality, and issued residency receipts which are still maintained by individuals as securely as a Social Security Card would be in the United States. When a person left a community to move somewhere else, he or she reported the move to the police, who issued a cancellation of residency. A new residency receipt would be issued by the police located in the new municipality, only upon presentation of the cancellation of residence from the former municipality.

Based on these records, Local Election Commissions, appointed specifically during a particular election cycle, were responsible for assigning the polling stations, and the segments of the lists which would be associated with them. The assignment of a voter to a polling station list was based on his or her physical residence address. If you lived there, you voted there.

There was only a limited form of absentee voting, which basically allowed a person to notify

the municipal official that he or she would be away on Election Day. For a short time before the election, such a person could receive an advance ballot which would remain sealed in an envelope until it was ready to be opened and counted. Embassies and consulate offices created the voter lists for voters known to be living abroad and served as their polling stations on Election Day.

After the war, however, the sheer numbers of displaced persons within BiH and refugees abroad ended the luxury that a controlled, bureaucratic residency record system and stable population afforded. The passive system enjoyed before the war was no longer suitable. Suddenly, nearly 1 million people were no longer residing where master residency records indicated. Under the GFAP each of them was automatically eligible to vote where they lived at the time of the 1991 Census, even though they did not live there after the war. And, at least half of them could choose to vote where they were currently residing, even if they had status as temporary residents of their current municipalities. Another half million people had fled to over 50 countries around the world. The daunting fact was that there was no reliable information as to who had actually remained, or who had left, and for the latter, where they had gone.

## 2. Against the Clock

The initial planning for the vote registration exercise which was to be implemented prior to the municipal elections postponed until spring of 1997, had begun at the end of 1996. Following a "lessons learned" retreat, IFES led a strategy planning team to identify methodologies for putting together the initial plan for voter registration in 1997. However, by the end of the year, the Elections Department had been disbanded. The decision to postpone the municipal elections left the Elections Department in limbo. The mandate of OSCE had to be extended to conduct elections in 1997. The decision taken by the Peace Implementation Council was well after budget planning cycle for the OSCE Mission to Bosnia and Herzegovina for 1997 had already been finalized.

As a result, the 1997 election year began with virtually a whole new staff. In fact, start-up in earnest was not really to begin until late in March of 1997, with the benefit of advance spending authority. The budget for the 1997 elections would not be passed by the Finance Committee in Vienna until April.

Based on the status of preparations when IFES was once again called upon to provide the Deputy Head of Mission for Elections (then-Director General), it became clear that the anticipated date for elections in the spring could not be met.<sup>25</sup> The proposed date for the beginning of registration was 17 March. In late February, the Permanent Council in Vienna had determined that they would be re-evaluating the situation in Bosnia to determine whether the time line for elections would need to be adjusted. The hiatus at the end of the 1996 elections put the Elections Department at a severe disadvantage and well behind the time line that had been envisioned by the strategy planning team. In particular, a number of practical issues had yet to be resolved.

- The Provisional Election Commission had yet to complete its work on such integral provisions as those related to the "future municipality" voting option. The 1997 Rules and Regulations were intended to apply strict criteria for substantiating a voter's eligibility to select to register and vote for a municipality where a voter intended to reside at some future point in time.

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<sup>25</sup> *Status of Preparations for Registration*, Edgeworth, 24 February 1997

- In late February several key staff positions remained unfilled. Of 44 Election Officers scheduled to cover field operations, only 19 had arrived. The 1997 registration plan had also called for 100% international supervision. However, although requests had been submitted to member states, no confirmations had been received regarding deployment of Core Supervisors, Registration Supervisors or International Trainers. The Core Supervisors were due to arrive by 15 February according to the proposed time line. Their task was to prepare the ground for the 420 Registration Supervisors, and to recruit the 210 drivers and 420 interpreters who were expected to serve at the voter registration centers.
- As the IEBL had split a number of municipalities, there were scores of unsettled land areas which had yet to be designated as new municipalities, or officially merged with existing municipalities. Action of the Federation Forum was pending, although a sequence of delays did not bode well that a final decision would be taken quickly. Delays in resolving issues related to these areas caused a domino affect in preparing for voter registration in that appointment of Local Election Commissions could not be completed. Nor could designation of voter registration centers. Registration of Political Parties, Independent Candidates and Coalitions also had to await final decisions, in order that they could identify the jurisdictions for which they wanted to appear on the ballot.
- Although advance spending authority had been granted, none had yet been authorized for Voter Information. Software and hardware necessary for operating the voter registration database and the scanning center were also on hold in Vienna pending final passage of the budget.
- Registration of voters from abroad was also in jeopardy for the same reasons affecting in-country registration, and additionally due to delays in the signing of Memoranda of Understanding with Federal Republic of Yugoslavia, Croatia and Germany.

Ultimately, it was determined that elections would be carried out on 13-14 September, and the entire time line was adjusted accordingly. The schedule of events related to voter registration involved several components: In-Country and Out-of Country Voter Registration, Adjudication; Preparation of the Preliminary Voter Registration; Claims and Appeals period during which voters could inspect the register and apply to have corrections made, and Preparation of the Final Voters Registers. These processes had to be completed in approximately 3 1/2 months.

### 3. 1997 Voter Registration Program

The municipal elections would involve preparing voter lists for 142 municipal voting jurisdictions, including the six municipal subdivisions and the Central Zone of Mostar. Altogether, 414 in-country registration centers were established within BiH. Many of them were mobilized to travel throughout rural areas to reach voters throughout BiH. An International Registration Supervisor was deployed to oversee operations carried out by national registration officials appointed by Local Election Commissions. In addition, 25 voter registration centers were established in Croatia and 35 were established in the Federal Republic of Yugoslavia. Each of these sites were supervised by an International Supervisor. For the 8-week registration period covering 5 May through 28 June, 1997, the target for 100 % international supervision was accomplished.

In addition to the in-person registration program, a massive operation was undertaken to



register voters, by mail, residing in over 50 countries, world-wide. A Memorandum of Understanding was negotiated with the International Organization on Migration (IOM) to manage the “by-mail” program from Vienna. Over 170 host governments, NGOs, refugee organizations, embassies and consulate offices around the world were engaged in assisting Bosnians abroad. They became outlets for distribution of registration forms and instructions designed and provided by the Elections Branch, and instructed voters in completing them. In addition, advertisements were placed in publications directly targeted to Bosnian citizens, which included cut-out forms and details as to how to send them in. Help lines were established to respond to calls from persons wanting to register. Ultimately 267,000 voters registered successfully by mail.

#### 4. Technical Innovations

Several innovations were introduced into the concept for accomplishing the voter registration program. First, instead of having hard copies of the 1991 Census at each registration center, laptop computers were provided which contained the Census and a search program designed by the Database and Program Development, which allowed each applicant to be looked up on the computer. Secondly, based on the strategic plan envisioned by the planning team at the end of 1996, it was decided that voters would be registered using scannable application forms. The alternative would have been to use data entry as the method of entering voters’ applications into the central database. The OMR (Optical Mark Reader) forms were designed to accommodate the basic voter data that would be needed to organize the voters by municipality in which they had registered to vote, and by polling station where they would actually cast ballots. The form also included fields from which would be recorded their 1991 municipality according to the 1991 Census.

Each form was bar-coded with a unique serial number, and usage of the forms was recorded on a Daily Accounting Form which accompanied the completed forms through the routing and retrieval system by which they were transmitted to Sarajevo for processing. A scanning center was established at the Statistical Institute in Sarajevo where forms from all over the country, in addition to Croatia and FRY, were scanned and ultimately transferred to the master database.

#### 5. Enhancements to the Rules and Regulations

The Rules and Regulations of the Provisional Election Commission were strengthened to provide more definitive guidelines related to substantiating each person’s eligibility to select an option other than their 1991 Municipality. The Rules specified the documentation to be provided by each voter for the purposes of identification, as well as other documentation substantiating the person's claim regarding their place of residence, if they were opting to register for a municipality that was different than the one listed on their Census record. Every effort was made to provide a legal basis which would preserve the basic voting rights afforded in the GFAP while closing the door on manipulations which could jeopardize the integrity of the process. Utmost was an allegiance to the general rule in Annex 3, under which people were expected to vote in their pre-war the municipality in which they resided at the time of the 1991 Census.

In particular, attention was focused on resolving the issue of the “future municipality” option. The 1997 Rules imposed very stringent criteria on which would be determined a person’s eligibility to claim a municipality for the exercise of their voting right on the basis that they intended to reside there sometime in the future.<sup>26</sup> The door that had been left wide open for

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<sup>26</sup> Provisional Election Commission; Rules and Regulations 1997 Municipal Elections, Article

manipulation in 1996 was virtually closed in 1997. Not only was a refugee required to acquire a receipt from an out-of-country registration substantiating that he or she was residing abroad, the voter had to return to the chosen municipality to register in person. In addition, he or she had to be able to demonstrate a specific tie to the community. Such proof could relate to family ties, a specific offer of employment in a verifiable business, ownership of property, or at least a 25% interest in a substantial business in the community.

Based on the huge number of applicants that had strained the municipal elections originally scheduled for 1996, arrangements were made to deploy 120 specially trained International Adjudicators to verify the applications that were anticipated in 1997. The Adjudicators were intended to fulfill this very specific role that the International Supervisors were not expected to be able to handle on top of their normal workload at the voter registration centers. Extensive work was done to prepare a manual, which included samples and descriptions of the kinds of documentation that could be provided. Weeks of research went into compiling information so that the Adjudicators could be prepared to deal effectively with the applications and the supporting documentation which would be provided by applicants. This effort was most important because the Adjudicators, like the International Supervisor, would be conducting their work through their interpreters.

Ironically, the strictness of the Rules and Regulations proved to be such a deterrent, that there were only about 11,500 applications in 1997 for the “future municipality” option. The vast majority of the applicants failed to submit the basic documentation required; perhaps they had failed to understand that the liberal approach to this option had changed dramatically since they had last applied for it in 1996. Ultimately, only 145 applicants were determined to have met the new stringent requirements.

The Rules also strengthened provisions related to proof of residence for persons wishing to vote for the municipality in which they were currently residing rather than their 1991 Census municipality. The key safeguard put into place was a requirement that the person be able to substantiate their duration of residence for a specified period of time before the elections. Specifically, the Rules required that such a person would have to provide a residency receipt dated on or before 31 July 1996<sup>27</sup> to be eligible to vote for the “current municipality” option. The residency duration requirement was intended to forestall the mobilization of people specifically for the purposes of registering as current residents during the registration period itself.

## 6. The Issue of Citizenship

It is important to note that although citizenship figures prominently in establishing a person's voting rights, in 1997, no law on citizenship was in place. The GFAP gave guidance, however, that anyone on the 1991 Census was automatically eligible to vote. The Census, in effect, became the measure of proof that a person was a citizen. However, it was estimated that 9-10% of the citizens may have been omitted from the Census. Therefore, the Provisional Election Commission set in place the Citizenship Verification Sub-commission to review the applications of persons who could not be found on the 1991 Census. The Rules provided that if a person could not be found on the Census, he or she would have to provide supporting documentation, and in particular, a Citizenship Certificate issued by an appropriate municipal authority prior to 1991.<sup>28</sup>

The optional document that could be provided was a receipt issued by the appropriate municipal authority establishing that the voter's citizenship was recorded in the official municipal record books prior to the 1991 Census. Under the Rules, the CVSC was required to review every application under such circumstances. Ultimately, the CVSC was overwhelmed and had to review nearly 50,000 applications.

Unfortunately, the Sub-Commission's capacity to research each and every document provided by an applicant, to support a person's claim to citizenship, was limited. The regulations promulgated by the Sub-commission and approved by the Provisional Election Commission ultimately focused on the Certificate itself, and detection of facial defects on the form. In particular, the CVSC applied stringent criteria as to the information, which had to be provided on a Certificate of Citizenship in order for it to be accepted as valid proof of citizenship. Aside from basic information about the applicant, his or her date and place of birth, and the page number, year and volume of the birth register or citizenship register held in the municipality, special attention was paid to information about the issuing authority. A key element was the fact that any Certificate of Citizenship issued prior to 1991 had to bear the words, "Socialist Republic of Bosnia and Herzegovina."<sup>29</sup> This became important because when the war began, the various factions identified themselves under new names; the presence of the words "Herceg Bosna," Republic of Bosnia and Herzegovina," or "Republika Srpska" meant that the Certificate could not have been issued prior to 1991, as the voter claimed.

Likewise, similar criteria were applied to the text required on alternative method of proof, the "Receipt" of citizenship. However, since such receipts were contemplated specifically for the purposes of registration for the 1997 Municipal Elections, a valid receipt had to state explicitly that the person was a citizen of "Bosnia and Herzegovina/Federation or Bosnia and Herzegovina or Bosnia and Herzegovina/Republika Srpska.

Unfortunately, review of such documents, especially the Receipt form, primarily for any facial defects may have disenfranchised some applicants because municipalities were often confused as to the requirements. Often they used old form stock. However, the stringent guidelines promulgated by the CVSC had the approval of the Provisional Election Commission who also sought to enforce use of the proper names for the state and the entities as agreed to by the signatories of the GFAP. Nonetheless, it is likely that some bona fide citizens may have been rejected simply because of errors made on documents issued by municipal authorities.

In another unfortunate circumstance, displaced and refugee voters whose names could not be found on the Census often had difficulty getting citizenship documents from their pre-war municipalities across the IEHL. OSCE attempted to intervene and were successful in many instances, but not all. This situation was resolved much more successfully in 1998, when the Rules and Regulations were changed. Under the 1998 Rules<sup>30</sup> the CVSC was disbanded. Rather, confirmation of someone's citizenship was affirmatively checked against the actual municipal birth records by OSCE staff. The program proved much more successful. In spite of problems with the verification program in 1997, it also became obvious that non-citizens were being encouraged to register for the elections in Bosnia and Herzegovina as well. In particular were applicants from FRY and Croatia and applicants who were bussed in to registration centers, as parties attempted to swing the ratio of supporters in their favor. Ultimately, the approval to rejection rate based on the

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29 Legal Guidelines No. 1- Revised; Citizenship Verification Sub-Commission, Article 17.1 (b)

30 Provisional Election Commission; Rules and Regulations 1998 General Elections, Article 2.5 (b)(2)

CVSC's evaluation of applications of persons not found on the 1991 Census was as follows.

Applications Processed by the Citizenship Verification Sub-commission			
Category	Total Applications	Accepted	Rejected
In Country Applicants	32,137	17,866	13,084
FRY and Croatia Applicants	8,496	2,617	6,742
By Mail Applicants World-wide	8,277	126	8,151

## 7. The Battle Against Manipulation and Fraud:

The 1997 voter registration process was a major success considering the post-war environment in which the exercise was conducted for the first time. However, it was not without its challenges. In particular, the instances of manipulation and fraud threatened to jeopardize the process. Although the manipulations perpetrated in 1996 through use of the PK2 Forms were overcome, a whole new generation of fraudulent activities emerged. Where manipulations were the most obvious, it appeared that voter registration became a new tool for maintaining a hold on territory lost during the war, and holding on to territory won during the war.

Thwarting such attempts at defrauding the system became a primary focus of attention throughout the registration period. Through the vigilance of International Supervisors, attempts at manipulation were exposed. However, it was the intervention of the International Adjudicators that proved to be keenly effective in turning the tide. Since the demands of their original assignment related to the review of "future municipality" applications had withered so dramatically, they became an effective "fraud squad" which could be deployed to any area where manipulation was suspected. Through "spot checks" of municipal record books, and on-site investigations, they were able to identify invalid documents, prove that persons did not reside at the addresses they claimed, and expose attempts to bus voters across boundary lines to register improperly.

In addition, the Election Appeals Sub-commission (EASC), through its own investigation team, and its authority to impose sanctions against perpetrators, contributed significantly to halting the major incidents that frequently emerged. The key weapon in the Election Appeals Sub-Commission's arsenal was the authority to remove candidates from the party and coalition candidate lists. Due to the nature of the most egregious violations and the direct involvement of local authorities, the ruling parties were penalized. Of the 35 candidates struck, 19 were from the lists of the HDZ, 11 from the SDS and 2 from the SDA. This proved to be a very effective weapon in the battle against improprieties in the registration process. In addition, the Provisional Election Commission and the EASC could remove Local Election Commission members and registration officials from their posts, if it was determined that they were involved with purposeful violations.

## 8. Documentation

It was recognized in the weeks before registration, that the issues related to documentation

supporting voters' claims to eligibility could ultimately be the Achilles' Heel of the process. As the process began to unfold, concerns about the documentation issue proved to be justified. In addition, the mobilization of voters for the purposes of distorting registration figures in a number of municipalities caused additional concerns. There were also instances where local authorities exerted pressure on voters to exercise certain voting options, under threat of losing their entitlements.

The nature of the most common abuses related to the presentation of fraudulent documentation. In particular were false documents provided to voters by local authorities. This was especially true with regard to the issuance of Citizenship Certificates, Displaced Person Cards, and Residency Receipts for persons claiming the current municipality option. Several of the most egregious violations serve to illustrate the intent of officials to manipulate outcomes.

In Stolac, a municipality which, in 1991, was estimated to have a population made up of between 60% and 75% Bosniaks<sup>31</sup>, and a post-war population which is almost exclusively Croat, local authorities identified Croats who had been born in the municipality but currently lived in Croatia. The made up Citizenship Certificates and transmitted them to persons living in Croatia and encouraged them to register to vote for Stolac. None of the people receiving these Certificates could be found on the 1991 Census. Evidence emerged when these people attempted to register, that they had never resided in Bosnia and Herzegovina except in their infancy and early childhood. The Election Appeals Sub-Commission, after investigating the case, sanctioned the community by rejecting all applicants submitting these Certificates.

- Brcko is one of the most sensitive communities in post-war Bosnia and operates under a Special Arbiter, and an International Superintendent. In this municipality, the population shifted from a Bosniak majority in 1991 to an almost exclusively Serb population after the war.<sup>32</sup> Brcko RS is the narrow strip of territory linking Northern and Eastern Republika Srpska. In response to expectations that expelled Bosniaks would register to vote for Brcko which had been their 1991 municipality according to the Census, authorities in Brcko RS issued thousands of false residency receipts to Serb voters bused in from other municipalities. In addition, residency receipts issued to Serb residents were often back dated to accommodate the 31 July 1996 residency duration requirement.
- Displaced persons cards were issued fraudulently in the municipality of Zepce. The current population of this municipality is evenly divided between Bosniak and Croat citizens. In an attempt to alter the balance, busloads of people from surrounding municipalities of Maglaj and Zavidovici were brought to the voter registration center with freshly printed displaced persons cards. International supervisors noted that, in this case, the cards appeared to be sequentially numbered in spite of the fact that they were supposedly issued over a period of two years.

In the latter two cases, the manipulations were so egregious that it was determined that registration had to be closed down. In the case of Brcko, the entire exercise had to be redone, while in Zepce, all registrations processed during the period of violations were rejected, and legitimate

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<sup>31</sup> Map of Population in Bosnia and Herzegovina; Based on Studies of the UNHCR, and Studies of OSCE and MND's of SFOR; Prepared by J2/GEO, August 1997

voters, who registered during that period when the most serious violations had occurred, had to come back to register again.

In some instances, humanitarian aid was linked to voter registration. In communities like Capljina and Jajce, for example, voters were asked to present their voter registration receipts in order to apply for subsidies. If a displaced person residing in the municipality opted for their 1991 residence instead, they were denied their entitlements. A similar instance was noted regarding Bosnian refugees living in FRY. In May of 1997, the President of the Federal Government Commission for Assisting Potential Voters at Municipal Elections in Bosnian and Herzegovina, in FRY, wrote a letter to the Secretary of the Red Cross in Serbia, suggesting that humanitarian aid be withheld from Bosnian refugees unless they could provide proof of their registration for the Municipal Elections.<sup>33</sup>

All in all, the Elections Department was successful in recognizing violations, and taking appropriate action when necessary to preserve the integrity of the voter register. However, there was one area of vulnerability that proved more difficult to substantiate. These related to the registration of voters whose residences were close to the IEBL. Imprecise maps, and insufficient detail on the segment of the 1991 Census provided by the Statistical Institute made it difficult in some isolated cases to determine on which side of the IEBL a person should actually be registered. In some cases challenges were submitted, but the capacity to confirm the information provided in the challenge was limited. Adjustments were made in a number of areas, however, these steps could only be taken when the validity of the challenge could be verified. Some complaints filed with the EASC had to be dismissed on the basis of insufficient information. It is unlikely that the number of voters potentially involved in this dilemma had a serious impact on the elections themselves. However, resolution of this issue was to become a major focal point in the enhancements introduced in the voter registration process in 1998.

#### 9. 1997 Voter Registration: A Success Story

In spite of the almost impossible circumstances in which the registration of voters was accomplished, the 1997 Voter Registration program has been generally considered a major success.

- In just 8 weeks, more than 2.5 million voters, including 400,000 from around the world, were successfully registered.
- For the 1997 Municipal Elections, a comprehensive voter register allowed the assignment of every in-person voter to a specific polling station.
- The elections could be fully accountable with a quantifiable number of voters included in a specific voter list prepared for every polling station, an accomplishment that had

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32 The disposition of Brcko has been dictated by the Arbitration Award which was announced in March 1999, and created a new administrative unit incorporating both Federation and RS territories of the pre-war Opstina divided by IEBL. The Annex to the Award has been opened to public comment and has not yet been finalized as of this writing.

33 Bosnia and Herzegovina Municipal Elections 13-14 September 1997; ODIHR Election Observation, 12 November 1997; page 12

not been possible for the 1996 elections.

- The voter register represented the single most comprehensive and current record of the population created since the war.

As of the official figures published on 1 September 1997, 2,509,226 voters had been registered for the 1997 Municipal Elections. Among that number were the following:

<b>Registered Voters 1997 Municipal Elections</b>	
<b>In-Country</b>	<b>Number of Registered Voters</b>
Long Term Residents (1991 and Current Municipality are the Same)	1,623,643
Displaced Persons Registering for Current Municipality	277,797
Displaced Persons Maintaining Their 1991 Municipality and Voting Absentee	185,159
Unable to Determine if "Vote For" Municipality is 1991 or Current Municipality <sup>34</sup>	24,461

<b>Out-of-Country</b>	<b>Number of Registered Voters</b>
Federal Republic of Yugoslavia	71,524
Croatia	59,109
By Mail World-Wide	267,388
Total Future Municipality Option	145

A few general trends became obvious during the 1997 voter registration exercise.

- The tendency for displaced persons to select the current municipality option was significantly prevalent in the Republika Srpska. It is estimated that only about 17,000 of the 185,159 displaced voters maintaining their 1991 voting option were displaced voters currently residing in the RS.
- The current municipality option was also the trend among displaced Croat voters who were clustered in specific municipalities known as the Croat pockets.
- The greater share of displaced persons maintaining their voting right based on their 1991 pre-war municipality were Bosniaks. In the most extreme case, exiled Bosniak voters from Srebrenica maintained a slim majority over the number of displaced Serb voters registering to vote for Srebrenica as their current residence.

In spite of the challenges that had to be overcome in carrying out an exercise of this magnitude, international observers that were deployed by the Office of Democratic Institutions and Human Rights

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<sup>34</sup> In these cases, the scannable forms failed to include data in both 1991 and current municipality fields making comparison impossible.



(ODIHR) rated the operation at Voter Registration Centers as "Good/Very Good" in 95% of their site reports. Altogether they observed activities in 143 Voter Registration Centers throughout BiH.<sup>35</sup>

#### 10. Some Lessons Learned:

When the municipal elections were successfully conducted in 1997, the mandate given to the OSCE under Annex 3 of the GFAP was concluded. Article II (2) provided that OSCE was to supervise:

"...the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency of the Republika Srpska; and if feasible, for cantonal legislatures and municipal governing authorities."

Having satisfied the mandate with the completion of the municipal elections, the Voter Register created by OSCE had served its purpose and exhausted its intended shelf life. The key lesson learned, however, was that undertaking a project of this magnitude and complexity to end up with a "single use" document was impractical and wasteful. This was to become blatantly evident just 2 months later.

On 5 July 1997, the RS National Assembly had been dissolved. Finally, in early October, at the request of President Plavsic, a decision was made that the OSCE's mandate would be extended to conduct a special election on 13-14 November, to elect a new National Assembly. From the time the decision was made, the Elections Department had 38 days to conduct the election. Obviously, in anticipation of a decision which was long in coming, a number of activities were undertaken to ensure that if the elections were ultimately called, the Department would be able to move forward quickly. One of the terms agreed to was that the same voter registers created for the municipal elections would be used for the RS National Assembly elections. No new registration would be allowed. Although this decision was helpful, it became clear a list created for one purpose did not make an automatic fit to another purpose. The primary lesson learned was that creation of a voter list as a "single use" document was impractical and wasteful.

The decision to require a voter registration program to be carried out for the municipal elections had been prompted by the need to overcome manipulations experienced during the 1996 elections. Planning, therefore, was short-sighted. For its purpose, the 1997 Voter Registration program had succeeded. However, had there been time to incorporate a long-term view, a number of key issues would have been considered during the planning stages.

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35 *Bosnia and Herzegovina Municipal Elections 13-14 September 1997*; ODIHR Election Observation, 12 November 1997; page 10

- On the scannable registration forms designed in late 1996, no residence address data was requested of voters; only the municipality for which they were eligible under pre-war or current residence options was maintained as part of the record.
- Without more precise address information it was not possible to assign voters to appropriate polling stations in a systematic way. Decisions were left up to voters to determine which polling station on the list of polling stations for their municipality was closest to where they lived.
- Failure to get address information from each voter would make it impossible to find or contact voters in the future to request further information, notify them of changes in polling stations, send them voter information, or issue them a voter card.
- Although each scannable form had a unique serial number, which is, for database purposes, the person's voter registration number, no mechanism was created to ensure the voter could retain this number. The receipt given to the voter at the time he or she registered included this unique identifier; however, it was presented to, and retained by, the polling station committee on polling day as a safeguard against people attempting to vote more than once. As a result, the value of the receipt as an informational document reminding the voter as to where to go on polling day in future elections was totally diminished.
- The data-set of the 1991 Census acquired from the Statistical Institute did not include a sufficient level of detail regarding pre-war addresses or settlements of residence on voters. Having this information would have assisted greatly in ensuring proper assignment of voters relative to the IEBL.
- A "single use" list is not sustainable.

## 11. The Tendered Ballot: A Safety Valve and a Solution

In spite of optimistic hopes for the success of the voter registration process, it was a "first", not only for the voters of Bosnia and Herzegovina, but for OSCE as well. There had been no time to test the waters. The possibility of a voter arriving at a polling station and not finding his or her name on the voter list through administrative error, or voter confusion as to where to go, could not be ignored. Thwarted attempts at manipulation during the registration period often resulted in voters being reassigned to their correct jurisdictions after they had been registered and issued their receipts. There was virtually no way of contacting them to let them know in advance of Election Day. In addition, there was no way of knowing how many people who may not have registered might show up at the polls.

Issues related to security and safety on polling day were a priority concern in an environment where political and ethnic tensions could escalate easily. In the interest of defusing any confrontation that might result from a voter's frustration at not finding his or her name on the voter list at the polling station, the concept of the Tendered Ballot was introduced.

No voter was turned away because his name could not be found on the voters list. Rather, the voter was offered the opportunity to vote a Tendered Ballot. The voter's name was added to a supplemental register. The voter's ballot was sealed in a special envelope on which was written his name, national ID number, the polling station at which he voted, and the municipal ballot he received.

At the close of the polls, the Tendered Ballots remained sealed in their envelopes and were transported to Sarajevo where they were processed and ultimately counted and incorporated into the election results. Based on the information provided on the envelope, each person was checked against the master Voter Registration database. If they were found to have been properly registered, their ballot was counted. If they could not be found on the register, or if the ballot they voted was for a different municipality than the municipality for which they were registered, the ballot remained in the sealed envelope and was not counted. The process not only provided a safety valve, it also ensured that every eligible voter was allowed to vote, even if he or she went to the wrong polling station.

### **E. 1998: Transforming the List into a System**

Once again, in 1998 OSCE's mandate was extended to supervise preparations and conduct of the second round of general elections since the war. In 1998, several objectives were defined.

The primary objective was to create a perpetual "registration system" rather than just a "single use" list.... a system which would be sustainable over time and transferable to local authorities in the future.

The plan called for long-term improvements in the 1997 list of the voter register by introducing current residency data on each voter into the database using a simple formula for "geo-indexing" the territory of BiH. The "geo-index" information would become the building blocks of a system that would allow voters to be clustered by settlement, and settlements to be clustered to create voting precincts or wards for which polling stations would be designated, to which voters would then be assigned.

The third objective was to actively involve the Local Election Commissions (LEC) in defining the settlement building blocks and giving them more responsibility for their own registration process.

The puzzle was how to get there. And, the concept work had to be done while the Elections Department was in hiatus and very few staff members remained on board. In fact, there was not a single staff member in the Voter Registration Branch. Ultimately, not a single person had returned who had been in the Branch before. Every staff member in the Branch would be new during the 1998 Voter Registration cycle. Nor was the staff back on board in the Database and Program Development Branch. They were not to arrive for several weeks. Nonetheless, several decisions had to be made in order to formalize a concept and prepare the budget for submission to the Finance Committee in Vienna.

It was decided that the list from 1997 would be maintained as the basis for the next elections.

And, a fundamental policy decision was that if a voter had previously registered he or she would not have to register again, unless they had moved, changed their name, wanted to change their voting option, or make a correction on their existing record.

## 1. Reaching for the Objectives

One of the most challenging issues to be addressed was the fact that voters had registered almost a year before the 1998 registration process was to begin. Over 2.1 million people were on a voter list of in-country voters that did not contain any information as to where they actually lived within a municipality; there was no "residence" information stored anywhere. A municipality is a large territorial area in which there can be many towns, settlements, and villages. Everyone eligible for the municipality got the same ballot paper. The "single-use" purpose for which the list had originally been intended worked well enough for that specific election. At the time they registered in 1997 voters were shown the list of polling stations and identified the one closest to where they lived. The code for that polling station was entered onto the scannable registration form, so that it could be stored in the database. Each voter got a receipt on which the polling station was written. They left the registration center with something in their hand that could remind them where to go on polling day. Unfortunately, the receipt was retained by the official on polling day to prevent a person from attempting to vote at more than one location.

Notwithstanding normal population movements in the course of a year, it would have been unrealistic to assume that voters would remember where their polling station was, and understand that they should return there for the General Elections. In addition, the number of polling stations was increased, and a number of them changed.

## 2. The "Geo-Index" Building Blocks

Ideally, full residence information with street name and house number would have been incorporated into the program. However, a number of circumstances put this approach out of reach. First, in the post war setting, too many municipality and village names as well as street names had been changed. The IEBL had also split many municipalities, and severed streets and roads. Secondly, there simply wasn't enough time for this depth of research. This work had to be completed within about 2.5 months before the period when registration had to be officially opened before the elections

scheduled for September. The capture of definitive address information on 2.1 million in-country voters was beyond the Department's capacity. However, in order to initiate the introduction of sensible building blocks which would make the system capable of being consistently applied and, therefore, sustainable, it was decided that the settlement would become the basic unit for identifying current residence of each voter.

The first step was to research and define every village and settlement throughout BiH. The number code was established in a special database for every settlement or village in the country. A conversion chart had to be created to compare pre-war and post-war names of hundreds of settlements. Local Election Commissions were assigned responsibility for determining which settlements and villages were to be defined as a polling area to be served by a single polling station.

Based on their decisions, voters would be assigned their polling stations based on their place of current residence.

## 2. Distribution of Voter Cards

Given the fact that a person who had previously registered was not required to re-register in order to vote in the 1998 elections, the challenge was getting information from them as to where they were currently living. Ultimately, it was decided that voter cards would be disseminated as an incentive to attract persons to the voter registration centers. As they picked up their voter cards, voters were asked to identify the settlement where they were currently living. The settlement data was entered onto their voter card, and retained on a special list from which the information would be data entered onto the database.

From the outset, distribution of the cards proved to be a calamitous affair. Time and resources worked against the project. Local Election Commissions and community leaders were stretch beyond capacity in trying to ensure that as many voters as possible received their voter cards.

In addition, even the printing of cards had to be repeated due to an unanticipated series of technical problems during the printing process. It was discovered, for example, that the font system used by the Mission and which incorporates the special characters used in the various languages, is not a standard system. It is based on YUSCII (Yugoslavian Standard Code for Information Interchange) rather than ASCII or ANSI which are used by almost all other fonts. It cannot be interfaced with other standard software systems, including the UNIX system used by the printer selected by Vienna. The project involved the transfer of nearly 800,000 unique pages of data. Based on input from the printer and the IBM representative who sold them the *Infoprint 4000* printer, it was agreed that Adobe Acrobat would be the system for the transfer of data between the Mission's and the printer's systems. Once the project was underway, it became clear that the systems were totally incompatible. On-site at the printing house, an IFES consultant had to design a driver interface that would allow the Mission's font system to read by the software used by the printer.

Then, after the cards had been delivered to the field, it was discovered that the sort order for the cards was incorrect, making it impossible to find each voters card in a logical order relative to the location of the distribution centers. The reprint of the cards was the subject of a Board of Enquiry who ultimately found that the circumstances were not the result of negligence, but due to the time constraints and demands of the project, as well as the circumstances outside the control of the Elections Department. Nonetheless the reprint of the cards put the Department about ten days behind the timeline. Any such delays always have a domino affect and other deadlines had to be adjusted

accordingly for every component all the way up to Election Day.

#### 4. Consequences

In spite of the difficulties that were encountered it is estimated that between 70% and 80% of all in-country voters got their cards. It was a target that sometimes appeared beyond reach. From the information regarding current residence gathered from voters through this exercise, data was entered into approximately 1.9 million voter records.

It would have been unrealistic to assume that such a complex program being undertaken for the first time would have not been without its problems. Programming errors cropped up which had to be corrected. Local Election Commissions sometimes misunderstood the process and made errors in their identification and/or division of settlements. Data entry errors and submission of incomplete voter registration forms combined to create errors in the database.

Ultimately, in spite of the problems encountered along the way, when the election was over, it was clear that 94% of all voters who participated found their names on the right list, at the right polling station and voted regular ballots. With the tendered ballot available for anyone whose name could not be found on the list at the polling station where he or she appeared, no eligible voter would be disenfranchised.

In addition to the integration of "geo-index" building blocks into the system, a number of other measures were undertaken in the Voter Registration Process in 1998 which achieved several objectives.

- A voter registration system was developed that meant the voter list could outlive a single election.
- This system will accommodate natural movements of voters as their circumstances change over time, bring uniformity to the system of voter registration and accommodate boundary changes adopted by local and entity authorities in the future.
- The addition of settlement information on the 1991 Census Data Set utilized for confirming a voter's eligibility helped to close the door on fraud.
- A new level of transparency was achieved in that each LEC was given a full copy of their preliminary register, by polling station and municipality-wide. The municipal list also included all voters eligible to receive a ballot for that jurisdiction including those voting by absentee ballot.
- LECs were given responsibility to review and challenge inaccuracies on the list. With the addition of settlement information, 15 municipalities were able to assist in the correct assignment of voters to their correct jurisdictions where the IEBL split municipalities. This had not been possible in 1997.
- The rules regarding verification of citizenship were improved to overcome issues related to documentation in the post-war environment encountered in 1997. Instead of relying on unreliable documentation OSCE took responsibility for going to the source, to the municipal record books themselves, to verify citizenship and residency of applicants not found on the 1991 Census. The number of approved voters increased significantly higher than those that could be affirmed in 1997.

## **F. Project '99: Transfer of Ownership**

Transfer of responsibility for facilitation of Voter Registration to local authorities has been made a major priority in 1999. Preparations for this began almost immediately after the end of the 1998 elections. The first phase was preparing Local Election Commissions to assist in the correction of the Final Voters Register for 1998. Each Commission was given a print of their final lists so that they could review them and discern where errors had been made, especially in terms of settlement identification and assignment of voters to polling stations.

Phase II of the plan involved the development of the Local Access Project (LAP). This special software application allows Local Election Commissions, in collaboration with OSCE Field Staff, to review the current voter registration database, make adjustments in their settlement/polling station definitions and make minor corrections to existing voter data in the field. The program developed by Database and Program Development based on specifications provided by the Voter Registration Branch was field-tested prior to being distributed. Through the LAP, the Local Election Commissions can view their adjustments immediately so that errors in their activities can be corrected on the spot.

Another element of the program for 1999 was to make Local Election Commissions responsible for organizing Voter Registration Centers in their municipalities, determining which officials would serve as voter registrars and developing their own local programs for facilitating voter registration under their auspices. Guidelines were presented to each LEC on which they could base their local programs. Locations and hours of operation were to be developed at their discretion. Once their plans were formalized, they were subject to approval by the Voter Registration Branch.

The concept centered on the establishment of voter registration centers within the offices of local governments where services would be provided to voters over an extended period of time as a normal function of local administrators. Coordination with BiH, Entity and Canton officials was an important aspect of the program to ensure their support in issuing the appropriate directives and providing necessary resources to local governments for these purposes, as a demonstration of BiH preparedness to take back ownership and responsibility for their own election process.

A major concern was that at the point these local programs were to be prepared, NATO action in Serbia threatened to derail the program. For several weeks, OSCE had to withdraw its staff from the RS where it was anticipated that tensions would escalate. However, even without OSCE presence in the RS, officials carried out their tasks with the same timeliness as their Federation counterparts.

A major benchmark relative to Phase 3 was achieved at the beginning of May 1999 with the transfer of ownership of the voter registration process to local authorities. In spite of the crisis in Kosovo, and the potential impact of NATO action in the region, the nationalisation process has not been derailed. For the first time, voter registration is being handled within the offices of local government authorities as a normal function of local administrations. Equipped with the 1991 Census and Voter Registration Databases, Local Election Commissions are responsible to see that voter registration is carried out in compliance with the Rules and Regulations. OSCE has extricated itself from opening special Voter Registration Centres. Sixteen (16) Voter Registration Compliance Officers replaced 400 International Supervisors. This progress represents a major success story in the rebuilding of the national infrastructure to take back ownership of the election process in Bosnia and Herzegovina.

## **XI. The Database**

### **A. General Overview**



The voter registration database was originally created in 1997, based upon stated requirements for a single-use list. There was insufficient time and insufficient technical resources to do much more than collect names and basic data on 2.5 million voters, then print out voter lists.

However, the voter registration database was to become the underpinnings of the entire election process, from voter registration to seat allocation, from the registration of political parties, coalitions, and candidates, to the processing of tendered ballots.

In 1998 a number of procedures were created to make the database updateable. Probably the most significant progress made in the database during 1998 is the introduction of a geo-indexing system based upon settlements. During the 5.5 months available for advance preparations, distribution of voter cards, data entry of settlement information, conduct Voter Registration and production of the Final Voters Registers for polling days, the Database and Program Development Branch successfully identified the settlement of residence for approximately 70% of all voters. This information was used to assign voters to Polling Stations for the September 1998 General Elections. In addition, 200,000 more voters were successfully registered increasing the total number of voters to 2.7 million.

In view of difficulties experienced attempting to build a registration system out of a "single use" list in time for the 1998 election cycle, there were a number of complaints about voters who were allegedly improperly assigned. These complaints resulted in widespread questions both in-country and among the international community about the accuracy and integrity of the voter register. However, the fact that 94% of participating voters found their names on the list at the Polling Station where they showed up to vote, confirms that this was a successful, if imperfect, exercise.

In addition, the challenge of developing programs that would adequately support a complex election system that is unique to Bosnia and Herzegovina do not only relate to the voter registration exercise. Integrated systems have been developed to link together a number of sophisticated applications to create a total election support package.

## **B. Peripheral Applications**

For the 1997 Municipal Elections, a multi-tiered system was developed which provided applications for the:

- Data entry of all results reporting sheets from counting centers;
- Auditing and correction of reporting sheets based upon comparison with hand-written counting sheets;
- Summary of results by Municipality.

To handle voters who appeared at the wrong polling station, or whose names did not appear on the Final Voter Register, the Tendered Ballot Processing system was created. This system supported twenty data entry clerks entering voter information from Tendered Ballot Envelopes in which the voted ballots were sealed. The system used this information to do a search of the Final Voters Register (FVR) database to determine the voters' eligibility. Following the count of votes, the Tendered Ballot database was used to update the Voter Register database, changing the polling station to the one at which the person actually appeared. This update of the voter's record was accomplished

in order to accommodate the 1997 RS National Assembly election, and to ensure that eligible voters who had voted by tendered ballot had a better likelihood of voting a regular ballot at the next November elections.

In 1998, the Tendered Ballot processing system was modified to include the ability to determine eligibility for each of the four different levels of elections for which any voter may have cast a ballot. Additional categories were established to support this added complexity. In particular, the system allowed for a determination to count parts of the ballot and to reject other parts of the ballot, based on the voters eligibility criteria. For example, a Federation voter registered in a municipality in Canton 7, who voted at a polling station in Canton 2, would still be eligible to have his votes count for the BiH presidency, the BiH House of Representative and the Federation House of Representatives, even if the Canton portion of his ballot could not be counted.

## 1. Allocation of Seats

Two programs were developed by separate programmers for allocating the mandates won by parties, coalitions and candidates, based on the seat allocation formula established in the Rules and Regulations. These programs were run in parallel and results of the two programs were compared before final results were submitted to the PEC for certification. These programs provided the data for the release of results for each municipality within minutes after the count was audited and approved. The same systems were used with minor modifications for counting and allocation of seats to the RS National Assembly.

The 1998 General Elections required a number of changes to the counting, allocation of seats, and results dissemination programs. Two significant changes were made to the counting system. First, OMR scannable ballots were used, and all absentee and tendered ballots were counted using OMR scanning. Secondly, all polling station reports of results were transferred to Optical Mark Recognition (OMR) forms, which were also scanned at the counting center to compile the summary of results. Because the Counting Center was located in Lukavica, and because of the difficulty of phone communications between Sarajevo and Lukavica, a database server was installed in the Counting Center. A system was developed to allow daily transfer of data from the Counting Center to OSCE HQ Sarajevo via floppy disk. After all counting was completed, the database server was transported to OSCE HQ and an audit was performed to verify that all data had been transferred successfully.

The seat allocation formula was complicated by two additions to the Rules and Regulations in 1998. First, a provision was made for Alliances of parties. All votes cast for any party in an Alliance were added together for the purposes of applying the allocation formula to determine the number of seats won by the alliance as a whole. Then a secondary allocation was done to divide these seats among the parties within the alliance based upon the proportional share of votes won by that party.

## 2. Database Development for Political Parties, Coalitions and Candidates

For the 1997 Municipal Elections, a database system was created to store Political Party registrations, and Candidate information. This system was used to track validation criteria which could result in a candidate being ineligible to hold office. Some of the validation criteria included in the Rules that said the candidate:

- Must be eligible and registered to vote in jurisdiction where standing for election;

- Could not hold another elected office in BiH;
- Could not hold another elected office in any other country;
- Could not be on the candidate list for more than one party nor for more than one municipality;
- Could not be serving a sentence or have failed to appear on an outstanding warrant by International War Crimes Tribunal;
- Could not have been stricken by a ruling of the High Representative or the Election Appeals Sub-Commission.

A link table was created to maintain correlation between Political Parties and the Municipalities where they were registered. This feature had to also be linked to the status of each party when running independently, and when running as part of a coalition or alliance. A party could be a member of a Coalition in some municipalities, but standing alone in other municipalities. An additional table was added to the database to track coalitions. Two additional link tables were added to maintain a correlation between Party and Coalition, and Coalition and Municipality.

This database was used for ballot generation for the 1997 Municipal Elections and was modified to support the 1997 RS National Assembly Elections. The fact that a party could change its relationship to a Coalition between elections added a further complication. Another requirement of the database was to provide a way to link Election-Party-Coalition-Municipality data. It is not adequate to simply link the Party file to the Coalition file, because a party may be a member of a coalition in one municipality but not in another. Nor is it adequate to link Party-Coalition-Municipality, because a party may be a member of a coalition in a particular municipality for one election but not for another. The Political Party and Candidate database was used not only to produce ballots for both 1997 elections, but also to provide the "vote for" data for the Counting and Tabulation system.

### 3. Multi-Level Elections

In 1998 new requirements were added, including multiple election levels (Municipal, Canton, National Assembly RS, House of Representatives Federation, House of Representatives BiH (from RS), House of Representative BiH (from Federation), RS Presidency, and BiH Presidency (Bosniak member, Croat member, and Serb member). To simplify tracking, a separate "Level Code" was assigned to each Canton and each Municipality, so that each individual election could be tracked as a separate "level" of election. Additional link tables were created to track the relationships of Election-Level-Alliance-Coalition-Party. This system is now capable of tracking parties and candidates, of producing ballots, and of reporting "Result History" reports showing the number of seats awarded to different Coalitions, Parties, and Alliances at every level for every election year.

### **C. Overcoming Technical Deficiencies in the Data**

From the beginning, there has been a problem with uniquely identifying each voter. As in most societies, common names abound in BiH and a unique identifier is a critically important feature in attempting to create a database that is not only comprehensive but one in which data relevant to a particular voter is retrievable. In attempting to ensure that each voter's record contained a unique identifier two steps were taken. Each scannable registration form contained a bar-coded serial

number that became the person's registration number. The voter was initially given a receipt imprinted with that number but during the polling the receipt was retained by the official. Therefore, the voter no longer had access to the unique number assigned to his or her voter record. The second step was to assign a unique sequence to every person on the 1991 Census. As in the case of the registration number, voters do not have access to the unique Census number either.

Ultimately, more and more reliance has had to be placed on use of the person's National ID number. An emphasis has been placed on training staff members and registration officials about the importance of the National ID and the necessity of consistently obtaining accurate and complete ID numbers from each voter when they apply to register. Unfortunately, there still has not been absolute success, since there are still cases where the National ID is not unique or mathematically valid. Regardless of the number that is ultimately used, it is important that a way is found to widely communicate this unique identifier, as this piece of information is critical for finding a voter's record in order to make updates.

A major success was achieved in resolving transliteration problems in working with two different alphabets. The Federation uses the Latin alphabet while the RS uses a Cyrillic alphabet. Therefore, the forms provided for each entity are printed in the alphabet associated with the entity. However, displaced voters are eligible to vote for their pre-war municipalities which are almost always in the other entity from that in which they are currently residing. Therefore, their data record must be convertible to the proper alphabet of their voting entity when voter lists are printed. It has been a very difficult requirement in terms of being able to convert names between two alphabets and then to correctly sorting the names alphabetically.

A flaw in the system created some confusion over conversion between the Latin and Cyrillic versions of (W = 'Lj') and (X = 'D'). Following the elections in 1998, an assessment was made to determine how many voter records may have been affected during the conversion. At the beginning of 1999, an exercise was conducted to review approximately 30,000 names which contain one of these characters and therefore may potentially have been effected by this flaw.

The exercise of identifying settlement information for each voter and entering this information into the database was done in a very short time using temporary data entry staff. During this time-constrained process errors were made, and it was discovered that some update lists were missed altogether. In meetings with LEC members after the election it became clear that some did not fully understand the purpose of settlement assignments, and therefore may not have done the job as completely and accurately as they could have. Refinement of settlement definitions became a focus of attention in the early part of 1999 and Local Election Commissions were equipped with the materials and training they need to review and correct settlements as necessary. In addition, they have been given instructions as to how to sub-divide settlements in areas of high population densities.

#### **D. Logic Problems with Production of 1998 Voter Registers**

A few seemingly minor changes were made to the scannable Voter Registration form between 1997 and 1998. The schedule requirement for form production necessitated finalizing the 1998 forms in February. Unfortunately, due to a gap in project funding there were no database advisors available when these changes were made, and the modifications created a number of difficulties with merging data from 1998 into the data collected in 1997.

In particular, the form designed for 1998 attempted to correct deficiencies in the 1997 form,

especially related to current settlement of residency data. In addition, whereas the polling station assignment was simply a matter of the voter's choice, recorded at 1997 registrations, a logic relationship exists in the database in 1998 between the person's current residence and the polling station to which he or she was assigned. The system provided for uniformity of application, which could be replicated for all future elections automatically.

Although extensive efforts were made to get updated information from as many voters as possible, nearly 30% of the voters were not heard from in 1998. That meant that the logic systems from 1997 and 1998 had to somehow be integrated in spite of the fact that they were founded on different data criteria and different logic systems. An elaborate system of exceptions had to be developed to address the disposition of thousands of voters from whom there was no contact.

The logic system was complicated enough in that for each voter on the rolls, an adjustment had to be made to conform the data of a person registered in 1997 to the system developed in 1998. An elaborate set of queries had to be encoded to determine whether the most recent data on the voter was based on the logic system developed for the 1997 registration exercise, the system of data capture developed for the distribution of the voter cards, or from the person's completion of a new form in 1998. And, in any of these three exercises, errors could have been made at the time the voter's application was actually completed. The logic developed to try to integrate the various programs had to also account for errors and omissions that had been made at the time the last record was created for the voter.

The additional required logic for managing the two different sets of data led to significant problems with production of Final Voters Registers. Basically, in pulling data from the various logic systems into a single master roll required a complex set of "rules" to be applied to capture the proper voters into the proper polling station lists. A separate "instruction" had to be written for each type of polling station. Ultimately, an error was made in the report query relative to the generation of voters lists for twin polling stations where some voters are voting regular ballots, and other voters assigned to the station were absentee voters casting ballots for other municipalities. Approximately 190 of the 2,300 polling station registers were improperly printed and had to be generated again. All but 91 were redistributed on the first day of polling. However, 91 polling stations involving 2.75% of the country's voters could not be distributed until too late in the day to make it worthwhile to open the polling station. At those sites only one day of polling was provided. Often more stations than necessary also remained closed as local leaders and political parties attempted to capitalize on the events for their own ends.

Criticism was harsh and well deserved.<sup>36</sup> However, concern about the difficulties led some critics to conclude that the entire voter registration process should be abandoned, and the process should be conducted again from scratch. Some even suggested that another census would have to be conducted before an accurate voter register could be developed. These conclusions were ill-advised. This approach focused on the problems of the database which have been generally overcome with the work that has been accomplished in the first quarter of 1999. Although errors were acknowledged at the time, a suggestion that the voter register should have been abandoned ignored the basic accuracy of the data that proved itself relative to 94% of the voters who participated in the elections. The proposal naively overlooked the fact that any attempt to start from scratch would not only have been a very expensive undertaking, such an exercise would have encountered many of the same problems which made creation of the current database so difficult from its inception.

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36 See *Bosnia and Herzegovina Elections 1998*, ODIHR, November 1998

## **E. Summary: The Current Voter Registration Database**

As a general rule, the best database structures are created when all, or at least most, requirements are known beforehand. It is difficult to build a database for one purpose and then adapt it to meet a different purpose. The Voter Registration Database was originally built in 1997 for temporary use, then patched in 1998 to be updateable and include geo-indexing, and now new sets of requirements have been established for 1999. During this period the Rules and Regulations which defined many of the database requirements have undergone extensive changes. A number of problems have made it difficult to create a reliable database, including:

- Misrepresented requirements;
- Changing regulations;
- A complex set of rules governing eligibility;
- Varying degrees of cooperation by LECs;
- Unclear municipal boundaries, and settlements split between 2 and 3 municipalities;
- Requirement to register voters and produce lists in two alphabets;
- Inadequate telecommunications infrastructure;
- Transient staff;
- Unstable electrical power;
- Errors and omissions in the 1991 census database;
- Destroyed or exiled municipal records;
- Lack of universally unique National ID;
- Attempts to defraud the system;
- Delays in procurement of hardware and software;
- Intermittent funding for key technical staff, etc.

It is not surprising that the database has suffered the consequences. Programming staff likened it to trying to build a skyscraper in the middle of an earthquake.

However, the Database and Program Development Branch has used the continuity provided in the 1999 concept and budgeting cycle which sustained the Elections Department for the first time between elections, to solidify the voter registration program initiated in 1998. The entire architecture of the database has been rebuilt to overcome the problems caused by having to deal with different logic systems from different years. A stable platform has been established on which to continue to add new registrants and accept updates of information from voters who have previously registered. Issues related to alphabet conversions have been resolved. The Local Access Project has provided Local Election Commissions the tools they need to define their settlements and sub-divisions accurately. In spite of the problems encountered in trying to build a sustainable system, it is now time to

capitalize on the investment and re-assess the successes that have been achieved.

- There does not exist anywhere a more complete, up-to-date, and accurate list of adults in BiH.
- In spite of a few allegations of missing names, and some eligible voters appearing on the wrong Polling Station lists, the database has been used to successfully conduct three elections.
- The system now has been developed to provide the ability to print lists in both Latin and Cyrillic, converting names between the two alphabets as necessary and correctly sorting lists in both alphabets – a capability which it is believed does not exist in any other database.
- The database also includes geo-index information which can serve as the basic building blocks for a system that is sustainable.
- For the first time since the war, the facilitation of voter registration is in the hands of local officials.
- The Local Access Project is the initial step de-centralizing access to the database at the local level.
- The Database and Program Development Branch is fully nationalized demonstrating that a sustainable system can be transferred to and managed by national institutions when the transfer of ownership is completed.

## **XII. Election Day Concerns**

As the process unfolded two areas of concern were expressed:

- That the number of invalid ballots proved that voters were confused by the ballot complexity.
- That the number of tendered ballots voted on election day represented a failure of the system.

### **A. Invalid Ballots (A Few Observations)**

Whenever there are voted ballots that cannot be counted because they must be ruled invalid, there is always reason for concern. In 1998, widespread criticism was expressed about the number of invalid ballots reported and blame was placed on what was perceived to be too complicated a ballot. Approximately 10% of the votes cast for various contests on nation-wide ballots cast were invalid. It should be noted that the invalid ballot category included those that were mis-marked as well as those that were left blank combined in a one total. The program developed for counting, however, ensured that a ballot paper on which all races appeared, was not totally rejected because a certain contest was mis-marked or left blank. All parts of a ballot paper that could be counted were counted.

In spite of the criticism received, it became evident as research was done to understand why the number of invalid ballots seemed high, that statistics alone do not necessarily tell the complete story. In the majority of cases where a voter's vote for a contest was declared invalid, it was because

the voter chose not to select any candidate or party. This, too, can be understood as a clear expression of the voter's will, not necessarily a reflection of voter confusion. For example, based on an analysis of invalid tendered, absentee and by-mail ballots counted by computer (involving approximately 400,000 ballots x 4 contests), results reflected the following:

Contest	Left Blank	Chose Both	Mis-marked
Federation: Croat/Bosniak Candidates:	72.11%	26.69% <sup>37</sup>	1.20%
Republika Srpska/Serb Candidate	99.86%		.14%
BiH House of Representatives (Federation)	91.56%		8.44%
BiH House of Representatives (RS)	74.43%		25.57%
RS President/Vice President	99.34%		.66%
RS National Assembly <sup>38</sup>	35.59%		56.62%

Curiously, the greatest percentage of invalid ballots was in the simplest contest. In particular was the contest for the BiH Presidency for the Serb Member. With only 3 candidates from which to choose, 17% of the ballots cast for this contest were invalid. As the table above shows, in 99.86% of the analyzed sample, voters failed to choose any of them.

Of course, invalid ballots are a legitimate area of concern. They were, in general, in greater numbers than in 1996. However, even in 1996, the invalid ballot rate for the tri-partite presidency, for example, reflected the following:

Bosniak Candidate	5.5% Invalid
Serb Candidate	9.9% Invalid
Croat Candidate	12.5% Invalid

## B. Some Facts About Tendered Ballots

When they were first introduced in 1997, the tendered ballot was initially intended to serve

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<sup>37</sup> On the Federation Ballot both the Bosniak list of Presidential Candidates and the Croat list of Presidential Candidates appeared. Voters were only allowed to mark one candidate.

<sup>38</sup> With regard to the RS National Assembly, anecdotal evidence suggests that a common error made by voters marking more than one party, involved simultaneous marks for former RS President Plavsic's party and Dodik's party (he was her Prime Minister) opposing each other in the same contest.



as a safety valve so that no voter would have to be turned away from the polls without voting. It is a valid way to ensure that every eligible person has the chance to vote, even if he or she cannot be found on the voters list at the polling station where he or she appears on election day. In 1997, voter registration had been facilitated for the first time; in 1998, the concept of geo-indexing was first used as a basis for assigning polling stations. It was critical to find a way to make up for voter confusion or administrative error that were likely to occur under these circumstances, that would have otherwise caused a person to be disenfranchised altogether.

In 1998, there was an added layer of concern that the Tendered Ballot Process addressed. Repatriated voters were estimated to be returning in numbers reported as 6,000-8,000 per week. It was anticipated that very few of them would have had the opportunity to re-register for an in-country polling station assignment.

Because of this risky combination of unusual circumstances, it was anticipated that 150,000 voters would take advantage of this program. Plans were initiated early to accommodate voters needing this services.

Not only does the Tendered Ballot Process ensure that very eligible voter will have the opportunity to vote, the Tendered Ballot is also a way to ensure that someone who is not eligible to vote is precluded from doing so. On both these counts, the Tendered Ballot Process has proven itself.

Of the 188,675 voters utilizing this program, 59.8% were found to be eligible voters. Of those found not to be eligible to have their ballot count, they fell into the following categories:

- 29.9% could not be found as registered voters on the nation-wide voter database, based on the information they provided on Election Day
- 4.55% voted a ballot for the wrong entity for which they were not eligible)
- 3.1% voted another tendered ballot at another location
- 1% already cast a ballot by mail
- .4% could not be confirmed as citizens of BiH

### **C. A Few More Lessons**

As voters become better informed about the assignment of polling station by village/settlement of residence they will no longer need to vote by tendered ballot. More emphasis must be placed on presenting that information. Voters must also be better informed about the process so that they will have more trust in its integrity should they need to use the program in the future. LECs should have had more information prior to the election so that they can receive calls or visits by voters to confirm their polling station assignment. However, the Tendered Ballot Process serves an invaluable function in a volatile environment where the movement of voters is random and unsettled.

In the future, it might be beneficial to have only one location where tendered ballots are offered. If a voter does not know where their polling station is and cannot find out, the "tendered ballot location" could continue to provide a safe alternative.

### **XIII. The Permanent Election Law**

Since the first elections were held under OSCE Supervision in 1996, there has been an expectation that the International community would eventually be able to extract itself from the process. At first, it was hoped that the mandate could end once elections were held at all electoral levels. Presumably, after the municipal elections were held in 1997, the mandate would have been satisfied. However, it has been well understood that withdrawal would be impossible unless a Permanent Election Law was in Place, and a permanent Election Commission was functioning. This point was emphasized at Bonn, in December 1997, when the Peace Implementation concluded:

"(The PIC) invites the High Representative, the OSCE and the Council of Europe to take due account of this need when reviewing the draft Election Law. It urges the authorities in Bosnia and Herzegovina rapidly to conclude their deliberations on the Law and adopt it as soon as possible. As an integral part of the Law, the Permanent Election Commission, which will include international members, must be established. The Permanent Election Commission will have the responsibility to conduct future elections in Bosnia and Herzegovina and will closely co-operate with the OSCE as long as the mandate of the OSCE exists. Until the Law is adopted and in force and the Permanent Election Commission is established and fully functional, elections will be conducted under the supervision and authority of the Provisional Election Commission and its Rules and Regulations."<sup>39</sup>

The OHR had taken the lead in preparing the draft of the Election Law. At first, progress on the draft was directed internally within the OHR, with international staff and expert support from delegates from the Council of Europe. OSCE was in a limited supporting role. In August of 1998, however, a decision was taken by the High Representative to form a national working group made up of Bosnian experts from the Federation and the Republika Srpska. The new Permanent Election Law Working Group was lead by an international staff member with a small administrative support team. The leader facilitated the Group's work, provided technical support and research and coordinated and moderated the working meetings.

Concern began to build among the international community, the BiH political leadership, and in members of the working group as well as to how long it would take to complete the work. Although everyone involved was working hard, it is becoming more apparent that the current structure was not producing a timely result. Virtually everyone who had the opportunity to observe this project including participants working in a support capacity or international experts providing consultative input raised doubts about the likelihood of timely success under the existing management structure.

It was not the fault of the national members of the working group, and the concept calling for creation of a working group made up of national experts was a positive one. If any new law must achieve formal adoption by the appropriate legislative bodies, and generate a sense of local ownership, it is the law on elections.

However, in the face of challenges to the credibility of the international community and persisting lack of confidence in the process, it was determined that the approach had to be reassessed. A number of conclusions were drawn as to how the process could have been enhanced.

The working group needed more formal guidance to focus their work. It was clear that the group wanted to know what the international community would and would not accept. They did not want to go down a path only to find that the international community would reject the results of their work. It would have been helpful for guidelines issued enumerating minimum standards and fundamental principles that had to be addressed in the draft. Such a document might have indicated for example, that the law must include provisions describing an appeal process that identifies an appropriate adjudication body and guarantees due process. The document should also have definitively articulated the High Representative's position on a number of constitutional, and the degree of license, if any, which would have been tolerated.

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39 *Bonn Peace Implementation Conference, Bosnia and Herzegovina 1998: Self Sustaining Structures*, Section V (4), Bonn, 10 December 1997

A major omission was that the role and capacity of the leader of the working group had never been concretely defined. An official chairman had never been designated. And, there are no formal rules of procedure. Therefore, there was no way of determining when consensus has been reached or when a decision had been made. It might have been advisable, for example, to revisit the necessity of vesting the chairman with authorities similar to those placed with the Chairman of the Provisional Election Commission. The Chairman of the Provisional Election Commission can take a final decision when there is no consensus among the members.

A related point is that minutes of the meetings and notations regarding the basis on which certain decisions and choices in the drafting had been made, tended to be less than formal. A formal record should have been maintained which could have included information about the debates that had ensued and the basis on which a proposal had been accepted or rejected. This is especially true regarding major reform issues. Such a record would be helpful in avoiding the repeat of a debate which ultimately resulted in the same conclusions being discussed over and over again. This historic record would also have been a helpful tool when the time came for the legislative debate ensues which can be anticipated.

Although an attempt was made to develop a work plan, the objective was never fulfilled. Development of a formal work plan, including the tasks to be accomplished, the sequence in which they were to be completed, a time line, an identification of resources needed, the organization of tasks to be completed by specific agencies or individuals, and a budget, would have helped keep the project on track. Such a plan would also have been helpful if it had integrated related work being done by other agencies, such as the Permanent Election Law Information Campaign assigned to the OSCE by the Peace Implementation Council at Madrid in December of 1998.

The work of the group has also been difficult in terms of the number existing conventions, constitutions and entity laws which have potentially limited the options of the working group in their deliberations. From the beginning, it would have been helpful to have a written analysis or table enumerating provisions of BiH and entity laws that have bearing on election matters. Notations as to which are in conflict with one another, which are consistent, and how difficult provisions could be interpreted by the HR in a way that would allow the working group to follow through in their preferred solutions, would have saved time. Without a quick reference guide, debates had to be repeated and/or postponed so that relevant citations could be confirmed again and again.

Another issue making it difficult to progress at a reasonable pace has been the lag time in receiving formal legal opinions. In particular, for example, was the question related to the competence and scope of authority of the state legislative body to enact the election law relevant to the conduct of elections at the Entity, Canton and Municipal levels. A related question was posed regarding the scope of authority of the Permanent Election Commission. As discussed earlier in this report, competencies of state and entity authorities is a significant constitutional debate that is likely to be ongoing any time a new law is contemplated. Obviously, these are key questions that have significant bearing on the drafting of the law itself. Although the question was first raised in September of 1998, an official opinion was not issued until 15 May 1999.

The opinion rendered by the OHR indicated that the mandate prescribed in Annex 3 of the GFAP, alluding to the establishment of a Permanent Election Commission to take responsibility for

the conduct of future elections was to be interpreted broadly, "applying to all elections in Bosnia and Herzegovina, at all levels of authority, i.e., State, Entity, Canton and local elections."<sup>40</sup>

Another major obstacle facing the working group has been the expectation that substantive legal reform of the electoral system is mandatory. There had never been a differentiation expressed to the Working Group formally, between reforms that had to be addressed, and those that could continue to be researched, analyzed and left to open-ended discussion. For example, mandatory reforms could include requirements for recognition of political parties as legal entities, manner of nominating presidential candidates, provisions on succession, and terms of office for members of the BiH House of Representatives. The investigation of a suitable alternative to the proportional system currently in effect, has been ongoing by OHR, OSCE, international experts, NGOs such as the International Crisis Group, domestic experts and others for a year and a half without a final conclusion being drawn. Every likely alternative has ultimately been set aside for further research or rejected altogether on the basis that:

It could not be implemented on legal or constitutional grounds because it;

- Failed to meet the objectives;
- Was too complicated to administer;
- Required specific conditions, such as delimitation into heterogeneous constituencies, which do not currently exist in most BiH;
- Could not ensure a suitably parallel affect on both sides of the IEHL.

## **A. The Process**

A joint assessment undertaken by the OHR and OSCE led to a conclusion that the management and administrative approach to the working group needed to be overhauled. In particular, there was a decision taken that although OHR would retain the lead on policy issues, the Secretariat and administrative support unit would be transferred to the OSCE, where sufficient legal, clerical and administrative resources could be dedicated to the project. IFES has played an integral role in supplying legal drafters, including a specialist in campaign financing legislation.

It was also decided that the Working Group would have a designated international chairman. For the interim period until a new Chairman could be appointed, OSCE's Head of Mission, who also chairs the Provisional Election Commission, was appointed temporary chairman. Finally in May of 1999, a new Chairman from the Constitutional Court of France was appointed, who will see the project to its conclusion.

A number of other changes were made in a manner in which problems would be overcome in speeding up the pace of the project. Some issues being debated in the working group had come to

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<sup>40</sup> Legal opinion on the mandate of Bosnia and Herzegovina (BiH) on electoral matters, and the appropriate scope of authority of the permanent BiH Election Commission in the legal hierarchy of BiH, Office of the High Representative, 14 April 1999.

an impasse. Under the new project management structure, each component has been assigned a national sponsor, who is responsible to get input from other national members, and in turn, works directly with the Secretariat's legal staff to develop formal text. This approach has been particularly helpful in resolving technical issues such as those related to voter registration and conducting of polling. The concepts of passive versus affirmative registration procedures, for example, had become excessively burdensome to explain in a manner that could be understood by national members. Their tendency was to revert to pre-war practices under which governmental bodies created voter lists from the residency records of the police. It was difficult to convince the Working Group that the fact that voters had voting options, and that the right to vote was no longer just tied to place where a person resided, meant that the voter had to play an active role. After weeks for negotiation and several re-writes, an appropriate compromise was reached that preserved the principles of the GFAP, gave some latitude to local authorities to update certain kinds of registration information autonomously, and ensured strong central controls to safeguard the integrity of the process.

The manner in which preliminary drafting is accomplished has also been revised. Nothing should inhibit members of the working group from providing rough drafts of provisions they want incorporated into the law. However, the main objective should be to focus on the principles and their intended objective. Legal drafters provided by IFES have been available as a full time resource so that time is not wasted in meetings because of inadequate drafting. IFES' legal drafters also attend meetings, help clarify intended objectives, and directly confer with individual members and sponsors as necessary. This has streamlined meeting time and helped to ensure that debates do not get bogged down trying to figure out how a provision should be worded rather than focusing on substance. The legal drafters have been able to ensure that the wording accurately reflects the intentions of the working group.

The manner in which critiques and recommendations from outside experts are reviewed, accepted or rejected has also been formalized. Earlier, the incorporation of recommendations or amendments remained ad hoc. If an individual member or sub-committee of the working group decided to incorporate a recommended change, it is by personal choice. There was no formal process for determining the merits of expert advice or taking a formal decision to reject a proposal. It is not clear whether some expert materials are even read.

It was also decided that the working group would continue its work presuming that the Proportional Representation party list system would be retained. A separate Cell was created to continue the investigations of alternative election systems. With the help of international experts from the United States, Denmark, Norway and Spain, and support of an IFES analyst, the Alternative System Cell has been able to continue its work on a separate track so as not to impede progress of the Permanent Election Law Working Group. If an alternative does emerge, it can be developed and the draft will be amended accordingly.

Progress has accelerated. It is now anticipated that a formal draft will be ready for review by the team of international experts by late-July 1999. It is also anticipated that this review will be followed by an extensive public outreach and a debate by political parties and legislative bodies. The work is far from over. Ideally, a lobbying effort can be undertaken to provide a forum for genuine dialogue leading ultimately to passage by the relevant assemblies. Failure to succeed in this phase of the process would mean that the election law would have to be imposed by the High Representative. History has demonstrated that "compliance without consent" is a less than satisfactory victory.

## B. The Quest for the Perfect System

A general frustration of the international community and OHR/OSCE counterparts about the slow progress being made on preparing a final draft of the Permanent Election Law had been building for some time. A sense of new urgency was generated when the Peace Implementation Council (PIC) raised the issue in its conclusions at Bonn, urging "...the authorities in Bosnia and Herzegovina rapidly to conclude their deliberations on the Law and adopt it as soon as possible." <sup>41</sup>

In the same Article, the Peace Implementation Council stated,

"The Council considers multi-ethnicity a fundamental goal for the consolidation of a stable and democratic Bosnia and Herzegovina. It therefore recognizes the need to support the establishment of new multi-ethnic parties and to strengthen the existing ones."

Although the quest for an alternative system is being aggressively pursued, it is still important to assess the objective thoughtfully and determine its feasibility in the short term and in the long term. Perhaps, the objectives need to be defined within the context of a phased-in strategy. For example, in the aftermath of the 1996 elections, in which the SDA, SDS and HDZ dominated the political landscape, with each winning absolute majorities in their respective "home base" areas, increasing pluralism became the primary objective. The proportional representation system, supported by extensive work in party development and strengthening of democratic institutions generally, resulted in a dramatic increase in pluralism as demonstrated by the results of the RS National Assembly Elections in 1997. No one would have anticipated that it would take a minimum of 3 parties in coalition to form a majority in that legislative body. Comparisons of 1996 and 1998 results in the General elections show that the trend toward pluralism has been a continuing trend. (See Annex 3, Tables of Comparative Election Results.)

While the strengthening of multi-ethnic parties cited in the Bonn conclusions is certainly a laudable objective, it may have shifted the immediate focus in a direction which may not be achievable in the short term. Particularly in the RS, there have indeed emerged more political parties, but they remain primarily Serb parties. The same is true for the other ethnic groups as well. Focus group surveys continue to show that ethnicity figures prominently in voters' choices.<sup>42</sup> Although the multi-ethnic SDP has shown continued growth, it still remains a minority party. Perhaps a more relevant articulation of the objective would have called for the promotion of political parties capable of drawing multi-ethnic popular support. In addition, pluralism in itself has not produced success in conciliation across ethnic lines desired. In the current environment, especially, has a resurgence of nationalism occurred in the shadow of NATO action in Serbia, a more realistic short term objective may be an electoral system that promotes the election of moderates rather than hard liners, even within the candidate lists of mono-ethnic parties.

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41 Bonn Peace Implementation Conference, Bosnia and Herzegovina 1998: Self Sustaining Structures, Section V (4), Bonn, 10 December 1997.

42 *Election Law Public Opinion Poll*, Prism Research, 4 May 1999

In spite of other considerations which should also have been factored into the long term strategy, the message from Bonn became the springboard for a flurry of new proposals as to how multi-ethnicity could be facilitated through amendments to the Rules and Regulations as well through the Permanent Election Law. As early as March of 1998, the quest for an alternative election system that would foster inter-ethnic conciliation became the focus of attention from all quarters. Input came from parties, international organizations, as well as round tables, seminars, and symposia organized by a number of agencies, including OSCE, and various activist groups.

During the first half of 1998, the Elections Department was asked to assess a number of proposals relative to the Rules and Regulations for the General Elections which were only a few months away. The Department found itself having to deflect support for certain ideas that often generated some widespread interest. In attempting to assess the merits of the various proposals as they could be applied to the 1998 General Elections, three basic criteria were applied.

- Was the proposal achievable?

A proposal submitted by the International Crisis Group, for example, would have required the voter registers to be divided by ethnicity.<sup>43</sup> Each voter would have to declare his or her ethnicity at the time of registering to vote. The proposal also called for a system of set-aside seats for each ethnic group, and the application of a "weighting factor" to adjust for the wide disparity in the populations of each ethnic group. Clearly, this would not have been possible in time for the upcoming elections.

- Could the solution proposed be used to undercut the very objective meant to be served?

A requirement for multi-ethnic candidate lists, for example, would have to be taken at face value. There would be virtually no reliable mechanism for verifying the ethnicity of any given candidate once he or she made his or her declaration. Nearly 11% of all marriages were mixed marriages in BiH before the war. In Sarajevo the number of mixed marriage was significantly higher at 30%.<sup>44</sup> Approximately 9% of those entered onto the Census identified themselves as Yugoslavs. Although it may have posed a challenge for some parties, most would have been able to find candidates willing to declare themselves as Bosniaks, Croats or Serbs, without really representing those constituent peoples. It is not clear, how people would identify themselves if a new census were taken today.

- Could the proposal be applied with equal affect on both sides of the IEHL?

Fundamentally, the RS has a predominantly mono-ethnic resident population. The Federation is predominantly duo-ethnic, and populated by Bosniaks and Croats (although the two constituent peoples are generally segregated into separate communities.) Therefore, the affects of some systems may have completely different result in one entity, than the result in the other. A number of alternative election systems could also be impacted by the differences in the level of influence by absentee voters maintaining their 1991 voting option. Bosniaks exiled to the Federation after the war are more likely to preserve their 1991 voting right in RS, for example, than are their Serb counterparts who fled to the RS, and who most commonly select their current municipality voting option. Serb parties were also less likely to run on Federation ballots, and for most races in the Federation, were absent altogether.

The challenge has been to promote an alternative election system that advances cross-ethnic line politics in spite of a Constitution defined in the GFAP, which seems to institutionalize ethnic

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43 *Changing the Logic of Bosnian Politics: Discussion Paper on Election Reform*, International Crisis Group, 10 March 1998

44 Information received verbally from the Federal Institute for Statistics. 7 June 99



divisions and promote greater autonomy to the states rather than the central authority. A few common themes have emerged in working groups, round tables, and discussion papers.

- Multi-ethnic politics is fundamentally more difficult in a post-war environment which has resulted in ethnically cleansed jurisdictions.
- A change in electoral systems can change outcomes; a change in the logic can change the motivations which mobilize voters.
- Electoral reform is necessary, changes should be more than “cosmetic” because:
- Nationalist themes remain the easiest political rhetoric with which to mobilize voters;
- As demonstrated in both 1996, 1997 and 1998 elections, proportional representation becomes an “ethnic census” since voters tend to vote along nationalist lines;
- The current system fails to comply with the European Convention because while it guarantees citizens the right to vote, it denies voters displaced by the war the right to be elected in elections across the IEHL<sup>45</sup>

Although there has been general debate on a number of issues, the most controversial issue relates to whether or not the Constitution should be amended. Although there is support for constitutional amendment from some quarters, there is a more widely held view that the focus should be on workable and do-able solutions which do not contravene the Constitution. In particular, although the issue receives the most attention, there appears to be a more widely held view that a straight interpretation of the Constitution should be maintained for the Presidential race. Generally speaking, a more commonly held view is that there is more potential to promote changes in the electoral bodies which could serve as a check and balance on the executive.

A number of other issues crop up in discussions about the election law such as a preference that a system should be devised that provides incentives for candidates and parties to attract cross-ethnic support. There is also a general desire that the electoral system should require politicians to be accountable to all citizens they represent, not just any single ethnic group. But, there is also an acknowledgement that changes in the election environment also need to be addressed since systematic changes without an improved and level playing field for candidates and parties will not produce the desired results.

The work being done by the Alternative System Cell is on-going and gradually they are narrowing their focus. However, over the course of the assessments and discussions which have been ongoing for over a year, various proposals have been introduced and evaluated. What follows is a brief overview of some of the solutions which have been put forth.

Proposals have promoted various concepts that introduced a **pre-determination of quotas** in the make of up electoral bodies to:

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45 See the *Constitution of Bosnia and Herzegovina, Article V, Presidency*. It states that the presidency shall consist of three members; one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of Republika Srpska.

- Dilute the urgency and eliminate the rationale to manipulate voter registration rolls in order to “stack the deck” in certain jurisdictions;
- Pre-set specific numbers seats for each ethnic group, including “others,” in the interest of adjusting for population imbalances;
- Set aside a certain number of seats to be elected by all citizens of BiH while the balance of seats would be elected by the citizens of the specific entity.

Interest was expressed in the feasibility of providing for an **advisory vote**, or conversely, a “blocking” vote, in the presidential elections. This proposal was discussed early on as a means of overcoming limitations constraining consideration of options in the election of the Tri-Partite Presidency. Specifically, the constitution limits which voters are eligible to vote for each member of the presidency who must be elected "from the territory" of the specific constituent people. The concept of the "advisory" or "blocking" vote would require a winning candidate directly elected by the voters in one entity, to gain a minimum threshold of advisory votes from voters in the opposite entity to be elected. While some thought this solution might be acceptable under the existing provisions of the Constitution, there are concerns that political maneuvering of the advisory vote could be used to obstruct the election of any candidate. In addition, if a leading candidate won 80%-90% of the votes in the entity but failed to meet the threshold in the advisory vote, it is questionable that awarding the presidency to the next top vote receiver who achieved the cross-IEBL threshold would be appropriate or practical. It would also be necessary to evaluate the impact in an entity with two presidents to be elected as opposed to the entity with only one president.

Discussions also centered on various advantages and disadvantages of **redefining constituencies** in single-mandate and multi-mandate configurations.

Several proposals have been discussed regarding the **manner in which parties, coalitions and independent candidates should be allowed to register**. A number of suggestions were considered including:

- Requirements for a party platform;<sup>46</sup>
- Requirements that petitions include various thresholds of signatures and formulas for requiring signatures of voters from across ethnic lines or constituencies;
- Requirements that candidate lists include cross-ethnic candidates (See the discussion earlier in this section;
- Requirements that the registration application be accompanied by a deposit which would be refundable if the party, coalition or candidate attained a threshold number of votes or earned a seat in the electoral body in which they contested the election<sup>47</sup>.

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<sup>46</sup> The party platform was introduced as a requirement in the Rules and Regulations for the General Elections in 1998. As a 'first step' the concept had merit. However, in general the platforms stated what parties thought was expected in terms of conformity and allegiance with the GFAP. There was little difference in platforms of the various parties. More work will have to be accomplished to fulfil the objectives that platforms were intended to meet.

<sup>47</sup> Fees were introduced in the Rules and Regulations for the 1998 General Elections and will

Interest was expressed in allowing the formation of Alliances, in which groups of parties would be linked together, but voters would cast a vote for an individual party within the alliance. (A coalition differs in that its members band together as a single unit which receives the vote.) The votes cast for all member parties of an alliance are pooled together for the purposes of the seat allocation formula. A second allocation formula is applied to determine how the seats won by an alliance are distributed among the member parties of the alliance.<sup>48</sup>

Modification of the allocation formula was proposed by which the electoral quota would be lowered. Under the current rules, the electoral quota is determined by dividing the total number of votes cast by the number of seats to be elected. The electoral quota could be lowered by the "Droop Formula" which divides the total number of votes cast by the number of seats + 1. By increasing the number of seats by 1, the number of votes needed to win a seat is lowered. Ultimately, the Rules and Regulations were amended to incorporate the Sainte Lague formula which eliminated thresholds altogether making the way for smaller parties to win seats.

Various systems of voting were considered for their potential to provide avenues by which more moderate candidates could be elected, even within a proportional representation system. An alternative vote system would allow voters to vote for a party and then to rank the candidates by their order of preference. Presumably, voters could be attracted to select more moderate candidates from among the candidate list provided by even ethnically based parties.

Single transferable voting systems that require multi-mandate districts, allow voters to vote for a party and then to rank the candidates on the candidate list in their order of preference. In this system, the allocation of seats requires multiple layers of distribution of votes before all seats are allocated. The votes received by candidates that exceed the electoral quota required to win their seats are weighted and then transferred to the next top vote receiver to determine if he or she would then have enough votes to get a seat. This formula is repeated until seats are allocated. The counting process is very complex and time consuming.

The International Crisis Group developed a second proposal whereby parties would have to identify themselves as Bosniak, Croat or Serb. In this proposal seats would also be distributed on the basis of proportional representation within the groupings of three pre-defined ethnic quotas. The ethnic quotas would be based upon estimates as to the ethnic make up of the jurisdiction. Each voter would be allowed to three votes, one for each ethnic constituency.<sup>49</sup>

Although so far, no final decision has been made, two proposals seem to be emerging as options with some promise. An alternative vote system may be worthy of consideration for the presidency. A modified alternative vote system could be the solution for the higher levels of legislative bodies. This system would require division of the territories into constituent districts for direct election of a certain number of representative members. Borrowing from the German system, consideration is also being given to a "topping" up system drawing additional members from party lists which would result in preservation of proportional representation.

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remain in effect for the next municipal elections.

<sup>48</sup> Alliances were provided for the Rules and Regulations for the 1998 General Elections, however, these provisions have been deleted for the municipal elections.

<sup>49</sup> *Breaking the Mold: Electoral Reform in Bosnia and Herzegovina*, International Crisis Group, 4 March 1999

Although these comments provide a glimpse into the deliberations that are ongoing, it is premature to assume what will finally be proposed.

## 1. Future Watch - 2000

Anticipating Election Department activities for 2000 is particularly difficult in view of a number of extraordinary circumstances impacting not only the Department's current work, but impairing the ability to plan future programs with confidence. Several components of the 1999 concept/strategic plan were designed to place major emphasis on "nationalization" of the election process. Toward this end, and using preparations for the 1999 municipal elections as the backdrop, the Department has engaged in a number of programs designed specifically to put more and more elements of the election process back in the hands of national staff and local authorities.

The main objectives of these programs were to provide a basis for taking another giant leap forward in 2000 for transferring ownership of the election process back to national authorities.

Through successful implementation of a measured "phase-in" transition strategy in 1999, bolstered by the adoption of the Permanent Election Law and establishment of the BiH Election Commission and Secretariat, it has been envisioned that OSCE's role in the conduct of future elections in BiH might be significantly reduced. Ideally, achievement of these objectives would allow OSCE to extract itself from its role as the administrative agency actually conducting the elections. Rather, OSCE could position itself in a strong supervisory role retaining controlling authority to direct, monitor, intervene, and, as necessary, sanction BiH authorities as they conduct their own elections.

The level to which OSCE would have to subsidize local authorities to carry out these functions will be subject to further in-depth assessment.

The nationalization strategy is designed to be completed in 3 phases.

Phase 1: Training and professional development of national staff.

Phase 2: Training and transfer of responsibility to Local Election Commissions

Phase 3: Building national institutions, including the Permanent Election Commission, Secretariat and national infrastructure.

Phase 1 is substantively accomplished although programs designed for continuing professional development of national staff members will continue throughout 1999. (See Annex 1)

Phase 2 is on target, with a hand-over of the voter registration process to local authorities in place. Work will be ongoing relative to the establishment of the BiH Association of Election Officials. Phase 3 will be undertaken in the second half of 1999, under cooperative plans between IFES and OSCE under new USAID funding.

## 2. Amending the Plan After Elections have been Postponed:

OSCE's key tasking in 1999 had been preparation for the conduct of the Municipal Elections scheduled for November 1999 . Those preparations are underway. In spite of the progress made so far in these preparations and in implementing the "nationalization" strategy, recent events threatened to decrease the Mission's capacity to judge the potential for success of Municipal Elections this year. Several critical events, in particular, NATO action in the FRY, and resulting uncertainties prompted serious discussions leading to postponement of the Elections until 2000.

It is important to note that since elections have been postponed until spring 2000, a number of functions of the OSCE's 1999 plan with IFES support will need to continue. They will include activities such as the following.

- Continuation of voter registration as an on-going normal function of local government with guidance and technical support is critical to institution building and sustainability of the system.
- Professional Development programs with broader target audiences including training programs for BiH ministries, government offices and institutions who will ultimately be involved in the election process are necessary to see Phase 3 of the "nationalization" strategy to fruition.
- Formalization of procedures through the development and production of desk manuals function by function with the ultimate goal of delivering a "turn-key" package to national authorities is being planned as part of Phase 3 to be accomplished in the latter half of 1999. (A sidebar objective is that this package, with minor modifications, will be usable throughout the Balkans.)
- Cooperation and consultation with national authorities to develop a BiH operational plan and budget for conduct of their own elections.

### 3. The Decision to Postpone the Elections

In determining to postpone the elections until 2000, two questions were resolved: when to take and announce the decision; and, when to schedule the elections. The decision was made before an increasing number of direct participants were unnecessarily inconvenienced. The scheduled period for the submission of applications for registration of political parties and independent candidates has already closed. Depending on their status, parties have paid filing fees, expended money and time to circulate petitions of support, prepared party platforms and filed their applications. By mid-June the advertised schedule called for the window in which registered parties allowed the formation of Coalitions. By 14 July, parties and coalitions would have been required to submit their candidate lists. Since elections were postponed, there has been an orderly halting of the process before more energies are expended in this part of the process.

With regard to the timing of the elections, it has been generally agreed that any decision taken to postpone should include a definitive decision as to when the elections will be held. Once determined, that date should be adhered to. Administrators, whether they are the OSCE, or they are rooted in the national infrastructure, need a specific target date in order to plan their activities in an orderly and cost-efficient manner. Even under a plan to nationalize the entire process in 2000, OSCE would need a definitive target by which to complete Phase 3 of the nationalization strategy in order to ensure a smooth hand-over. Political participants need to pace themselves and capitalize on the momentum that has already been initiated by virtue of applications to register for the elections. Without a specific target date, political parties, and in particular, smaller opposition parties will fade away, only to try to gear up again when an election is actually called.

### 3. Issues Which Led to Postponement

NATO action in FRY raised tensions in Bosnia and Herzegovina, in particular the Republika Srpska. Evacuation of offices and ability of OSCE staff to work in the RS caused an interruption of work for several weeks when bombing first began. Although activities have resumed for the time being, and as NATO actions continue to be protracted over a longer and longer period, the political and security situation could further deteriorate. The situation may become increasingly volatile as "surprise" decisions were undertaken including the June indictment of Milosevic.<sup>50</sup> The conflict will also continue to have a negative affect on returns. In addition, the influx of a mixture of citizen and non-citizen refugees from war-torn neighbors could make it more and more difficult to maintain the integrity of the voter registration process.

Initiation of Out of Country Voting Registration has been hampered by circumstances in FRY. NATO's action began at the very point the Out of Country Voting Branch were engaged in final negotiations with the Commissariat to assist in the processing of applications for BiH citizens living in FRY. Equal opportunities for all constituent peoples living outside BiH must be a consideration to ensure that Serbs, Croats and Bosniaks are equitably treated in terms of their right to vote and, current security issues may impair OSCE's ability to adequately serve the 77,000 voters in FRY. In addition, a re-design of the out-of-country program called for converting FRY and Croatia in-person programs to by-mail, in conformity with the program for absentee voters world-wide. The purpose

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<sup>50</sup> The situation will remain volatile for some time beyond the date the agreement was agreed upon. Bosnians are sensitive to the fact that Milosevic has not demonstrated his commitment to follow through on agreements made in the past.

of the conversion was to ensure sustainability of the program for national administration. The crisis in FRY has interrupted our progress in this regard. Alternative plans have been put in place, but the overall program will take longer than was originally anticipated.

There has also been a noticeable resurgence of nationalism during the NATO bombing began. This circumstance increasingly eroded progress in promoting the electorate's confidence and interest in voting for moderates or multi-ethnic parties. And, the possible unseating of Milosevic, and the imminence of the Croatian General Elections scheduled for December 1999, would both suggest that the postponement of these elections might be sensible given the distraction these events may have on a large proportion of the Bosnian electorate.

General tensions and apprehension have occasionally caused Serb delegates to cancel their participation in regional and nation-wide conferences and training sessions. There has been a noticeable slow-down in enthusiasm for critical activities such as involving our Local Election Commission counterparts, and the registration of the BiH Association of Election Officials.

The impact of NATO action, although not directly aimed at Bosnia and Herzegovina, nonetheless has had a peripheral impact, particularly on the Eastern RS and Gorazde. For example, many municipalities in the Eastern RS were dependent on the FRY for power supply and telephone communications. Frequent power outages, at an average of ten a day in some municipalities, cannot help but to raise tensions.

Without the pressures of deadlines related to the conduct of elections in 1999, the IFES and the Elections Department in general, could concentrate attention on building the national infrastructure as called for in Phase 3 of the "nationalization" plan. In addition, other IFES/OSCE programs could continue to strengthen democratic institutions, stimulate NGO participation, and facilitate political party training and development being partnered by the Democratization Department and NDI.

## 5. Disadvantages of Postponement:

Since the postponement of the Municipal Elections until spring 2000, the move is not without its disadvantages. Postponement of the election, in fact, extended the terms of office for which the legislative bodies were originally elected. Fundamentally, this is contrary to democratic principles and does little to promote respect for the "rule of law." There has been a perception which has been expressed by some political participants and activists that in taking decisions related to elections, the International Community is motivated by interest in promoting specific outcomes. It will be important to emphasize the practical reasons for the postponement and de-emphasize the political reasons.

Postponement will inevitably stretch the capacity of administrators, parties, candidates and voters to handle elections for all levels of authority in the same year. In addition, it is likely that a special election will also be required for the Brcko District once the Special Arbiter and Supervisor finalize the Annex to the Arbitration Award which was announced in March 2000.

It was intended that the 1999 municipal elections would serve as the backdrop for phased-in transfer of responsibility to national ownership while OSCE maintained full control over administration. Depending on the level of OSCE's funding in 2000, the advantage of this approach could be severely diminished.

## 6. Possible Administration Under the Permanent Election Commission

A decision to postpone elections until 2000 increased chances that the next elections will be conducted under a Permanent Election Commission. However, it has been generally understood that municipal elections would most likely have to be held in conformity with the Rules and Regulations of the Provisional Election Commission. The Permanent Election Law Working Group is tentatively targeting completion of their work for late July 1999. However, there is likely to be a lengthy review period followed by a battle for adoption.

It is not clear whether the Permanent Election Commission will be established before the law is adopted or imposed by the OHR, since the provisions regarding the appointment of the Commission will be contained within the law itself. Nonetheless, an option that could be exercised is to establish the Commission in advance. Should this occur, the Permanent Commission would have an opportunity to transition on the basis of shadowing the Provisional Election Commission for a reasonable period of time. Another advantage of setting up the Permanent Commission is that they could take up their authorities while the OSCE Elections Department is still fully operational. This would allow for a period of training, consultation and professional development prior to their taking over the process entirely.

## 7. The Choice Between Spring or Fall 2000 Elections

Formal discussions on this topic have resulted in a formal recommendation that Municipal Elections will be held in early Spring of 2000.<sup>51</sup> This position should be strongly supported in order to continue successfully in the transfer of increased responsibilities to national institutions, and yet preserve the continuity and the availability of at least some existing international staff. Continuity will be difficult to maintain the longer the lag time between the original election date and when the elections are conducted. If the international community seeks to provide competent oversight, guidance and intervention as necessary, then Spring elections will be critical.

More importantly, it is critical that the trained national staff in which OSCE with IFES' assistance has invested heavily as part of the "nationalization" strategy, be retained. If municipal elections are ultimately postponed until late fall, retention of qualified national staff will be virtually impossible and the international community will forfeit its investment altogether.

It is also recommended that General (National) Elections remain on schedule and be conducted in the Fall of 2000. There has been some discussion that both Municipal and General Elections be conducted at the same time. However, contemplation of simultaneous conduct of the elections would be impractical and rash. If this were attempted, it would over-stretch the capacity of the Elections Department, particularly during a period of transition between international and national control.

The complexities of various elements of the process, especially as impacted by the demands of absentee voting and the by-mail processes, would make the smooth running of the elections almost impossible. The concept of an absentee polling station being responsible for the accountability and distribution of nearly 200 different ballot types in a variety of combinations would be totally daunting. The registration of political parties, coalitions and independent candidates would be particularly

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<sup>51</sup> This issue was discussed at the 259<sup>th</sup> Meeting of the Provisional Election Commission, 2 June 1999. The subject of postponement of the Municipal Elections was taken up at the meeting of the Permanent Council in Vienna on 10 June 1999.



demanding on administrators as well. In municipal elections parties are allowed to run independently in one municipality, as part of a coalition in another, and with a different coalition in yet a third municipality. In the municipal elections each voter is only issued one ballot paper. However, these options would be even more convoluted if multi-level elections were held at the same time. Voter confusion would abound.

Finally, it is recommended that elections should be no more than 6 months apart. This would allow full closure of one election cycle and adequate preparation time before the next election. This time period would also permit parties to maintain their momentum gained during the municipal elections, learn from their experiences and plan for the General Elections without losing ground.

### **C. Continued Commitment of International Community**

It is critically important to emphasize that any global transfer of the election process to the control of BiH authorities must incorporate continued support from the International Community. This support would fall into two categories.

#### **1. Staffing Subsidies**

The IC should be prepared to continue to subsidize salaries for national staff members who would be situated within the Permanent Election Commission Secretariat and serve as the Secretariat's 'eyes and ears' in the field. With support from IFES, the OSCE has placed particular emphasis on training and professional development for national staff. It is critical that these staff members hold key positions within the Secretariat to the Permanent Election Commission if the IC is to be able to capitalize on its investment. Continuation of subsidy support will address two concerns.

The national staff has been intensively groomed by OSCE in preparation for this ultimate transition. They have the training, experience, language and computer skills that we believe are critical to the success of the transition of the election process to BiH control. However, it is a harsh reality that the skills and training they have received for this role will also offer them opportunities with other international organizations and commercial enterprises. Without subsidies, it is likely that they would be lured away from elections work under BiH authorities. An abrupt weaning from International Community (IC) remuneration would effectively eradicate the work done by OSCE to prepare these workers to become the heirs to the process we intend to leave behind. A strategic plan must be formalized to ensure there is an appropriate weaning process to extricate the IC from this commitment, without throwing away the investment already expended in preparing for this eventual outcome.

- Although significant inroads have been made in institutionalizing key elements of the election process, the capacity of BiH authorities to fulfill IC expectations in taking over the process in a free and fair manner remains very fragile. The retention of the IC's authority to oversee the process will be fortified by the control over key staff that salary support will provide. Through the period of BiH's first steps in controlling their own elections, this oversight will be critical in ensuring that the principles of Dayton and international standards are adhered to.
- It will be important to maintain a cadre of international advisory and consultancy staff to monitor the work being carried out by national authorities, nurture their continued development and intervene when necessary. IFES will continue to be a valuable resource and is perfectly positioned to play a key role in this capacity.

## 2. Commodity Support

OSCE has worked to develop a sustainable voter registration and election system. The cornerstone to this process has been the creation of a nation-wide voter register maintained through a centralised database which has been specifically developed under the leadership of IFES consultants. This is the most comprehensive database on citizens throughout the country and abroad, created since the war. 1999 has also brought the development of the Local Access Project which is the precursor to providing municipal officials access to the registration database. Advances in this program run in perfect parallel with the intentions currently reflected in the working draft of the Permanent Election Law. The OSCE and other International Community partners should be fully prepared to provide computer and commodity support to BiH authorities, either as direct contributions, or on loan until BiH authorities can replace equipment with their own. Existing Mission resources and assets should be sufficient in meeting this need without incurring any significant additional expense. Currently, however, OSCE has no administrative

procedure or system in place for this kind of activity. (The Election Department is currently engaged in working with BiH authorities to assess their capacity to equip themselves.)

### **C. The Regional Election Support Cell**

In addition, the OSCE Mission to BiH, has the experience and the capacity to provide support to other Missions upon resolution of the conflict in the FRY. A formal proposal is being developed to provide a support mechanism to build upon the technical and logistic expertise and resources currently in place within this Mission. Such a "Regional Election Support Cell" could prove most advantageous for the OSCE and its programs throughout the region, by reducing duplication and promoting cost effectiveness. This expertise has already been tapped by both the Albanian and Kosovo Missions, and by ODIHR.

From a more global perspective, there has been recent interest among multi-lateral, international agencies in exploring strategic concepts for a merged, region-wide policy body to address common interests throughout the region. The OSCE Mission to BiH is perfectly positioned to provide support resources in the election field to other Missions throughout the OSCE's regional network. The concept of a Regional Election Support Cell makes sense from the perspective capitalizing on proven election expertise and centralizing commodities and resources that can be packaged and deployed as needed anywhere in the region. IFES consultants working within the Mission to BiH, and deployed to other countries of the region could offer an important resource in conceptualizing the Regional Election Resource Cell and developing an efficient plan under which the Cell could best serve the election processes throughout the Balkans.

### **E. Getting the Law Adopted**

Since the support cell of the Permanent Election Law Working Group was transferred to OSCE, and is based on the mandate extended to the OSCE by the Peace Implementation Council in Madrid in December of 1998, the Mission will be expanding its efforts to promote adoption of the law folio. Once the final draft is ready for presentation. If any law should be adopted rather than imposed by the High Representative, it should be the election law. Steps should be taken soon to prepare the legislative body to accept the draft in good faith, to be ready for a thoughtful and open-minded review, and to be ready to propose appropriate amendments. It is not advisable to wait until the draft is completed before engaging legislators and the Tri-partite Presidency in a serious dialog about the next phase of the process. It is suggested that based on such dialog it might be possible to establish a legislative committee to work with International Community delegates to hammer out a final draft before it is presented for a vote of the entire BiH House of Representatives. The lobbying campaign should prepare the members of the House for what they will receive. IFES specialists have been involved in the design and implementation of campaigns to achieve these ends.

The final phase of the process will be to ensure that entity laws related to elections are consistent with the state level law, and with the principles of the GFAP. Technical assistance might be warranted to oversee this process and to work with Entity and Cantonal assemblies as they work through this phase of legal development in support of the election process for Bosnia and Herzegovina.

Annex A.

RFP and IFES Technical Proposal

Annex B.

Delivery Order No. 01

## Annex C

### Amendments 1-13

Annex D

WorkPlans

## Annex E.

### List of Staff and involved personnel

Patrick Bradley	Director General of Elections (Oct-Dec 96) BiH
Liam Byrne	Director of the Sarajevo Counting Center (Aug-Sept, Nov-Dec 97), (June, Aug-Sept 98) BiH
Diana Cepeda	Adviser to Elections Observation Unit (Aug 96), Dir/Voter Education and Information (Oct 96-Dec 97), Voter Information Adviser (June-July, July-Aug 98) BiH
Stephen Connolly	Project Manager (June 96-June 99)WDC/BiH
Dana DeBeauvoir	Elections Adviser (June-July 96) BiH
Linda Edgeworth	Acting Director of Operations (Feb-Mar 97), Director General of Elections (Apr 97-Jan 99) BiH
Jorgen Elklit	Adviser to PELWG (intermittent Nov 98- May 99) BiH
Daniel Finn	Legal Adviser (June-July 96) BiH
Jeffrey Fischer	Director General of Elections (June-Oct 96), Sr Elections Adviser (Nov 96-June 99)BiH/WDC
Ben Goldsmith	PEL/Statistician (Mar-June 99)BiH
Bruce Hatch	Elections Specialist (June 96- Dec 97) Co-director Count Ctr (Sept 98 BiH
Jeanne Hugg	Recruiting Specialist (Jan-Mar 97)WDC
Fitzgerald Jean	Programmer (Oct 96-June 99)BiH
Alexander Knapp	Program Officer (Mar 97- June 99)WDC/BiH
Rob Krumm	Programmer (Mar-May 97) BiH
Jean Lavoie	PEL/Legislative Awareness Adviser (Mar-June 99)
Dale Leake	Database development adviser (July 98)
Barbara Lynch	Dir/Voter Information (Apr-Aug 98) BiH
Ed Lombard	Elections Adviser (June-July 96) BiH
Brenda Oppermann	Admin Support to Refugee Voting Program (June-Oct 96), Dir Out of Country Voting (Nov 96- Dec 97) BiH
Roger Plath	Dir/IT Unit (Sept 96-Dec 97), IT Mgr/Sort Ctr (Sept 98)
Jessie Pilgrim	Legal Adviser (Oct-Dec 96) BiH, Election law drafter (Mar- Sept 98, Feb-June 99), BiH
Gianluca Rocco	Dir Out of Country Voting (May-Oct 98) BiH
Elise Schoux	Voter Information Unit/Director (Aug-Sept 98); PELPIC (Feb-May 99)
Brian Steers	Procurement Coordinator, (May-Oct 98) BiH
Steve Wagner	Survey development(May-June 98)
Amanda Weisbaum	Dep Dir/Election Services(May-Oct 98) BiH
Denise Woods	Organizational Development Adviser (Nov 98, Mar 99)
Michael Yard	Programmer, Dir IT Unit, Adviser/IT Unit (Mar 97- June 99) BiH



## Annex F

### List of Abbreviations

AOR	Area of Responsibility
BiH	Bosnia and Herzegovina
COTR	Contracting Officer's Technical Representative
DO	Delivery Order
DG	Democracy and Governance (USAID)
ECMM	European Community Monitoring Mission
GFAP	General Framework Agreement for Peace (Dayton Accord)
IEBL	Inter-entity boundary Line
IFOR	Implementation Forces
IFES	International Foundation for Election Systems
IPTF	International Police Training Force
IT	Information Technology
JOC	Joint Operations Center
NDI	National Democratic Institute
NGO	Non-governmental Organization
ODIHR	Office of Democratic Institutions and Human Rights
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
OTI	Office of Transition Initiatives
PEC	Provisional Election Commission
PEL	Permanent Election Law
PELIC	Permanent Election Law Information Campaign
RS	Republika Srpska
SFOR	Security Forces
TOT	Training of Trainers
USAID	U.S. Agency for International Development
VEP	Voter Education Program

Annex G

Index of reports and information products

The title page to the reports listed below bears the following information:

**(Report Title)**

**Concerning the USAID Indefinite Quantity Contract (IQC)  
Delivery Order No. 01**

**AEP-5468-I-00-6003-00**

**Technical Election Advisers to the Provisional Election Commission-  
Bosnia and Herzegovina**

**Submitted to the**

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT  
by the International Foundation for Election Systems (IFES)**

**(Date)**

- A. Monthly Activity Reports
1. Monthly Activity Report #1
  2. Monthly Activity Report #2
  3. Monthly Activity Report #3
  4. Monthly Activity Report #4
  5. Monthly Activity Report #5
  6. Monthly Activity Report #6
  7. Monthly Activity Report #7
  8. Monthly Activity Report #8
  9. Monthly Activity Report #9
  10. Monthly Activity Report #10
  11. Monthly Activity Report #11
  12. Monthly Activity Report #12
  13. Monthly Activity Report #13
  14. Monthly Activity Report #14
  15. Monthly Activity Report #15
  16. Monthly Activity Report #16
  17. Monthly Activity Report #17
  18. Monthly Activity Report #18
  19. Monthly Activity Report #19
  20. Monthly Activity Report #20

21. Monthly Activity Report #21
22. Monthly Activity Report #22
23. Monthly Activity Report #23
24. Monthly Activity Report #24
25. Monthly Activity Report #25
26. Monthly Activity Report #26
27. Monthly Activity Report #27
28. Monthly Activity Report #28
29. Monthly Activity Report #29
30. Monthly Activity Report #30
31. Monthly Activity Report #31
32. Monthly Activity Report #32
33. Monthly Activity Report #33
34. Monthly Activity Report #34
35. Monthly Activity Report #35
36. Monthly Activity Report #36

#### B. IQC Quarterly Reports

- IQC Quarterly Report #1
- IQC Quarterly Report #2
- IQC Quarterly Report #3
- IQC Quarterly Report #4
- IQC Quarterly Report #5
- IQC Quarterly Report #6
- IQC Quarterly Report #7
- IQC Quarterly Report #8
- IQC Quarterly Report #9
- IQC Quarterly Report #10
- IQC Quarterly Report #11
- IQC Quarterly Report #12

#### C. Misc reports and documents

Information Technology Status Report	5/96
Manual for Polling Station Committee	9/96
Briefing Notes, USAID/DG	9/96
Final report, Legal Advisor Dan Finn	12/96
Material Requirements and Logistic Support	12/96
Election Rules and regulations for Elections for Municipal Assemblies	2/97
In and for The Rep of BiH	
Adjudication Manual	5/97
Briefing Notes, USAID/DG	6/97
OCV Report	11/97
Planning and Technical Assistance Report:	
Opstina Elections Bosnia and Herzegovina	97
Voter Education Plan	97

Voter Education Fact Sheet	97
OCV Trainer Orientation Guide	4/97
Voter Education/Final Report	2/98
Voter Registration Focus Group Research	7/98
Consultant Trip Report, Dale Leake	8/98
Count and Sort Ctr Program	9/98
Sorting and Counting Manual	9/98
1998 General Elections	11/98
Summary of Conclusions:1 <sup>st</sup> Congress of Local Election Officials	12/98
Poll-Citizen Attitudes Toward The Electoral System	3/99
2nd Congress of Election Officials is BiH	5/99

## II. Misc Information Products

PELIC Brochure (Bosniak)	5/99
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NB: Copies of reports and information products are available on request from IFES. Please contact Scott Lansell, Stephen Connolly or Alexander Knapp.

## Annex H

### Chronology

12 June 1996	Effective date of Delivery Order No. 01
30 June- 8 July	Technical Assistance team fielded
14 September	Elections (President, Cantonal)
14 September 1997	Municipal Elections
23 November	RS Parliamentary Elections
12-13 September 1998	Presidential and assembly elections
12 June 1999	PACD